

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance is proposing to duplicate the existing bldg. pattern established by the previous uses which have been in place since before 1930. Due to the unusual flag shape of the property the proposed building cannot fit into the area within 25 ft of the front property line.

2. Explain how the variance will not alter the essential character of the general vicinity.

The proposed building is located in the general area of the previous development and duplicates the existing pattern of development established by previous development of the site.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

Locating the bldg. further away than 25 ft from Dixie Highway will not create a nuisance for the public because it matches the established pattern of development.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The subject site has been an industrial use prior to the 1930s with multiple warehouse-style buildings in addition to other buildings all located in the same general area as the proposed building. The proposal is duplicating the building pattern established prior to the adoption of the current regulations.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The flag shape of the lot is unusual in that it is not the grid pattern of development common in traditional form districts.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The proposed office warehouse use requires a large rectangular shaped building which cannot be fit into the flag pole portion of the subject site.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances were in place prior to the applicant's development proposal.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

It will not because a 10 ft Landscape Buffer Area with the required 8 ft tall screen and number of trees will be provided next to the Sroufe property. The waiver will permit the proposed entrance drive to remain in the location it has been since prior to 1930. The waiver to not provide the 10 ft LBA next to the unimproved alley in SE corner will not affect anyone because the alley deadends into the site and there is no benefit to the community to construct the alley so it is not likely to ever be constructed.

2. Will the waiver violate the Comprehensive Plan?

It will not because the required screening and landscaping will be provided will be provided with the waiver next to the Sroufe property and the LBA next to the unimproved alley will not benefit the community .

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

It is because all other required Landscape Buffer Areas are being provided and in the waiver request next to the Sroufe property the required screening and landscaping will be provided.

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4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

(b). The proposed curb cut and drive lane are located in the same spot as the existing curb cut because of topographic constraints. There is an existing railroad abutment retaining wall that prevents the curb cut being located elsewhere along the Dixie Highway frontage. The tree canopy coverage requirement of 30% guarantees more than the number of trees required by the perimeter tree requirement will be planted.

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

It will not because the parking and vehicular circulation will not be visible from Dixie Highway. A 25 ft Landscape Buffer Area with an 8 ft tall screen plus trees will be provided adjacent to the west property line to screen the parking area / vehicular circulation from the St. Louis Ave stub and the R-7 adjacent residences.

2. Will the waiver violate the Comprehensive Plan?

It will not because the required screening and landscaping will be provided to sufficiently screen the area of the waiver request.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

It is because the proposed bldg. has been oriented to place the offices near the residences and the loading dock facing away from the residences and towards the existing railroad tracks and EZ-1 zoned properties. This orientation of the building is a positive for the adjacent residences.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

(a). The proposed bldg. has been oriented to place the offices near the residences and the loading dock facing away from the residences and towards the existing railroad tracks and EZ-1 zoned properties. This orientation of the building is a positive for the adjacent residences.
(b). The strict application would require that there be no parking area affiliated with the offices and would prevent full access to the building for the fire department and EMS.

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