

VARIANCE JUSTIFICATION STATEMENT

Aparium Hotel

615 East Market Street

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The proposed variance, which will permit the applicant to increase the required setback, will not adversely affect the public health, safety or welfare. The applicant proposes to restore and repurpose the historic Joe Ley Antiques building into a hotel and restaurant by renovating that structure as part of an overall redevelopment of the subject properties. The overall development will include the construction of a contemporary hotel building that will also include a restaurant/bar and other publicly accessible areas. The contemporary structure has been designed to sit behind and beside the Joe Ley building in order to maintain the Joe Ley building's prominent presence along E. Market Street. The subject properties are in the Downtown Form District, which allows for a maximum setback of 15 feet from the right of way. The Joe Ley building exceeds this requirement by 7'. The contemporary structure exceeds the setback, too, but the development plan shows an outdoor terrace, pool area, pool house and landscaping adjacent to the right of way.

The variance will not alter the essential character of the general vicinity. The variance will allow the applicant to restore the Joe Ley Antiques building and develop a 7-story hotel building that will create a significant and active presence along E. Market Street. The Joe Ley Antique building is currently located 22' from the right of way. The proposed 7-story mixed-use building will be located further from the right of way with an accessory structure, outdoor gathering area, and landscaping in the front, which allows the Joe Ley Antique building to remain the primary structure on the site.

The variance will not cause a hazard or nuisance to the public. The existing Joe Ley Antique building currently exceeds the maximum setback requirement and the setback proposed for the 7-story mixed-use building will maintain the prominence of the Joe Ley building and more closely match the original setback character of the 600 block of E. Market Street. The additional distance from the right-of-way line will not cause a hazard or nuisance to the public.

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The Joe Ley Antique building currently exceeds the requirements of the Land Development Code, which is consistent with surrounding buildings on East Market Street. The increase in the setback requirement will invite pedestrian activity and activate the area in front of the proposed hotel building.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The applicant's request to exceed the minimum setback requirement is similar to some surrounding developments where outdoor areas front E. Market Street.

The strict application of the regulations would create an unnecessary hardship on the applicant. The applicant seeks to only minimally extend the setback beyond the maximum. Without the setback, the hotel building would overshadow the Joe Ley building. Strict application of the regulations would force the applicant to position the hotel building in such a way as to block the Joe Ley building, which would result in a less historically sensitive design.