

Outlet Shoppes of Atlanta Out Parcel 5

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #1

Variance to Zoning Case #101-11 I.1

Request to increase the build-to distance from 18' from the back of the sidewalk to 52' from the back of the sidewalk.

APPLICANT RESPONSE STATEMENT – REQUEST #1

1. Explain requested variance.

The applicant is requesting a variance to move the build-to line from 18' from the back of the sidewalk to 52' from the back of the sidewalk due to topo constraints. By placing the building within the 18' build-to line the applicant will be forced to construct a retaining wall and the building will not be consistent with the placement of the adjacent building on Outparcel #6.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The property contains a steep slope running from the right-of-way along Ridgewalk Parkway up approximately 17 feet at its highest point until it reaches "pad grade". The driveway entrance to this parcel is required to be within the Outlet Shoppes development. Due to the grade difference between the Outlet Shoppes and Ridgewalk Parkway the building cannot be placed within the build-to line without constructing a tall retaining wall.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The literal interpretation of the requirement would impose a physical and financial burden on the applicant not imposed on other property owners.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The circumstances requiring us to ask for a variance are the existing grade of Ridgewalk Parkway and the existing elevations of our property. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

The applicant will not be granted any special privileges. The adjacent parcel, Outparcel #6, was granted this same request in case #105-12.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

We are asking that the building be allowed to be placed as close to Ridgewalk Parkway as possible without be forced to construct a tall retaining wall.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

The intent of this ordinance is to place buildings as close to Woodstock Parkway as possible, forcing all parking behind the building. Additionally, the intent is to create a row of buildings along the same building line. We intend to place our building in line with the adjacent property owner. Also, we will not be placing any parking in front of the building. There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

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APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #2

Variance to Zoning Case #101-11 I.7

Request to allow a dumpster on the side of a building.

APPLICANT RESPONSE STATEMENT – REQUEST #2

1. Explain requested variance.

The applicant is requesting a variance to be allowed to place a dumpster on the sides of the proposed building. The site has a public street frontage and a functional street frontage, the optimal location to place the dumpster from a visual and accessibility standpoint is on the sides of the building. Applicant will substantially screen the dumpster.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The property has two existing road frontages causing the placement of the dumpster from a visual and accessibility standpoint difficult.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The literal interpretation of the requirement would impose a physical burden on the applicant not imposed on other property owners.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The frontage characteristics of the property are pre-existing. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

The applicant will not be granted any special privileges. The adjacent parcel, Outparcel #6, was granted this same request in case #105-12.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

Placing the dumpster on the sides of the building is the optimal location for a dumpster.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

The intent of this ordinance is to keep the dumpsters from being seen from Ridgewalk Parkway. Since the dumpster will be substantially screened, it will not be seen from the public right-of-way. There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #3

Variance to Land Development Code 7.767

Request to allow any excessive parking beyond maximum code to be standard asphalt pavement to match proposed conditions and not porous pavement or pavers.

APPLICANT RESPONSE STATEMENT – REQUEST #3

1. Explain requested variance.

The applicant requests a variance to be allowed to construct additional parking spaces, above the City's maximum, as standard asphalt pavement instead of pervious pavement or pavers due to parking demand, constructability, maintenance requirements of pervious parking, and the lifespan of pervious pavement or pavers. Meeting the required parking set by the City would under park the property for the intended use.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

Our property lies within a heavy commercial development with a known shortage of parking. People will park here to eat, shop, and walk to other stores within the development.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The interpretation of the ordinance is to set an exact number of parking spaces for each type of use. Our property is located within a high traffic development that is currently under parked. We feel there is a need for additional parking spaces beyond the number required by the City of Woodstock. Additionally, we feel that creating the spaces out of pervious pavement or pavers causes problems with constructability, maintenance, and the lifespan of the pavement or pavers.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The special condition is the current parking demand which is pre-existing. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

The applicant will not be granted any special privileges. The adjacent parcel, The Outlet Shoppes of Atlanta, was granted this same request in case #101-11.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

We are proposing minimum parking numbers as required by the tenants.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

Outlet Shoppes of Atlanta Out Parcel 5

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #4

Variance to Land Development Code 9.300

Request to reduce tree density from the required 20 units per acre for properties greater than 1 acre to 15 units per acre.

APPLICANT RESPONSE STATEMENT – REQUEST #4

1. Explain requested variance.

The applicant requests a variance to be allowed to reduce the tree density from 20 units per acre to 15 units per acre due to the lack of landscaping areas to place trees. Due to the parking demand needed for the site, we are limited in the amount of areas that trees can be placed.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The size of the site and the parking demand being in a heavy commercial development are pre-existing conditions. These conditions require us to have more parking spaces, causing us to eliminate potential landscaping areas.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The purpose of the tree density requirements is to facilitate a harmonious community; provide a more attractive place to live; conserve natural resources; mitigate harmful vehicle emissions by reducing carbon dioxide levels; enhance aesthetic character of the community; and encourage appropriate use of land in the City of Woodstock. We feel that due to the size of the site, there is only a small deduction in the required amount of trees; therefore we still meet the intent of the Ordinance.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The size of the site and parking demand are pre-existing. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

The applicant will not be granted any special privileges. The adjacent parcel, The Outlet Shoppes of Atlanta, was granted a reduction in tree density in case #101-11. The proposed landscape plan reflects similar plantings, size, and design to match the Outlet Shoppes at Atlanta.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

We will be maximizing the amount of trees planted on the property within the area available to plantings.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #5

Variance to Technology Parkway Site Development Standards 7.946

Request to increase maximum impervious percentage from 70% to a maximum of 73%.

APPLICANT RESPONSE STATEMENT – REQUEST #5

1. Explain requested variance.

The applicant requests a variance to be allowed to increase the maximum impervious percentage of 70% to 73%. Due to parking demand, more impervious area is needed to construct the needed parking spaces.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The size of the site and the parking demand being in a heavy commercial development are pre-existing conditions. These conditions require us to need more parking spaces, causing us to need more impervious area.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The interpretation of the ordinance is to reduce the amount of impervious within a development, reduce the amount of runoff and water pollutants leaving the site, and add additional landscaping areas. By not being allowed to have additional impervious areas we will be forced to lessen the square footage and parking therefore not achieving the goal of the planned development. Additionally, the detention pond that treats the runoff from this site has been sized to handle outparcels up to 85% impervious. We are also placing landscaping wherever possible within the site.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The size of the site and parking demand are pre-existing. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

This outparcel is part of an overall development, with similar uses and function. A slight increase in impervious area will not reflect in special privileges.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

We are minimizing the amount of impervious area as much as possible while still maintaining the amount of parking spaces needed.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

The detention pond that treats the runoff from this site has been sized to handle outparcels up to 85% impervious. We are also placing landscaping wherever possible within the site. There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #6

Variance to Technology Parkway Streetscape Zone Standards 7.947

Request to remove requirement to plant a minimum 2” caliper tree 20’ O.C. between the build-to line and the public right-of-way.

APPLICANT RESPONSE STATEMENT – REQUEST #6

1. Explain requested variance.

The applicant requests to remove the requirement to plant minimum 2” caliper tree 20’ O.C. between the build-to line and the public right-of-way. Due to the topography of the property between the right-of-way and the build-to line, planting trees along on the steep slope seems impractical.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The existing slope between the build-to line and the right-of-way along Ridgewalk Parkway are pre-existing conditions and make it impractical to plant trees within this area.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

This ordinance was intended for buildings that sit in the rear of sites. Once the requirement to place the buildings in the front of the site for all outparcels was established, the ordinance no longer makes sense for this particular property.

4. How the special conditions and circumstances do not result from the actions of the applicant.

The existing slopes are pre-existing. No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

This variance approval would be and should be granted to anyone with these types of topographic challenges.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The granting of the variance does not change or expand the allowed use nor does it allow or expand any non-conforming use.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

It is not practical to plant "major" trees on a 2:1 slope.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

There will be no negative impacts to adjacent neighborhoods, surrounding properties, or public welfare.

Outlet Shoppes of Atlanta Out Parcel 5

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #7

Variance to Technology Parkway Architectural Standards 7.948

Requesting relief from 7.948 Item 3, which states “Window areas shall not extend down to the floor line. A wall of not less than two (2) feet in height shall separate the floor from the bottom of the window frame”

APPLICANT RESPONSE STATEMENT – REQUEST #7

1. Explain requested variance.

This item requests that windows be allowed to extend to floor line on the sides and “rear” of building. In this case, the “rear” of the building is actually the primary entrance and primary display opportunity for retailers. We propose adhering to the original code language on the “front” of the building facing Ridgewalk Parkway to try to maintain the design intent from the main street. The neighboring parcel appears to have been granted the same variance

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The building is unique in that it is a multi-tenant retail building where tenants depend on visibility of merchandise at the primary storefront to remain viable. Viability and potential disadvantage is a particular concern here because the adjacent property was granted this variance, and tenants are able to carry display windows all the way to the floor, creating a more inviting and retail oriented presentation to the shopper.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The literal interpretation of the Zoning Ordinance would deprive the applicant of rights currently enjoyed by the neighboring parcel because they were allowed windows to extend to floor line on the “rear” of the building, thereby unfairly allowing more retail display for tenants of one building versus of another in the same district.

4. How the special conditions and circumstances do not result from the actions of the applicant.

No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

Granting the requested variance will not create special privilege for the applicant compared to other non-retail use buildings within same district because other uses do not rely on full height display for business viability.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The applicant does not knowingly request this variance based on any existing non-conforming use of other properties.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

The applicant believes the requested variance is the minimum necessary for reasonable use. Ideally, the applicant would have full, uninterrupted storefront display windows, but the intent of 7.948 Item 1 prevents full uninterrupted storefront. The applicant, however, does not seek variance from 7.948 Item 1, only variance for Item 3 in order to enjoy the same rights as the adjacent building.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

Because the variance would only apply to the "sides" and "rear" of the building, the appearance from the general public on the "front" of the building facing Ridgewalk Parkway maintains the design intent of the current code.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #8

Variance to Technology Parkway Architectural Standards 7.948

Requesting relief from 7.948 Item 5 which states “Buildings shall have no less than eighty (80) percent of the non-glass area of three (3) exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork. If a building has more than four (4) planar areas, seventy-five (75) percent of these areas shall be faced in brick.”

APPLICANT RESPONSE STATEMENT – REQUEST #8

1. Explain requested variance.

This item requests that split face masonry, stone, cast stone, or faux stone, be able to be allowed to be used in lieu of brick for 20% of the material on three sides of the building. So the material requirement would change from “80% brick on the non-glass area of three sides of the building” to “60% brick on the non-glass area of three sides with an additional 20% to be either brick, split face masonry, stone, cast stone, or faux stone” such that the outcome is still an attractive masonry type material over 80% of the non-glass area of three sides, but allowing for additional options for base treatment other than brick.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The building is unique in that it is situated next to an existing multi-tenant retail building that uses a similar mix of materials and appears to have been granted a similar variance. The applicant believes it is in the best interest of the applicant and the community for these two buildings to have a similar, cohesive design palette without sacrificing the intent of the code to produce a finished product with high quality materials over the majority of the building.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The literal interpretation of the Zoning Ordinance would deprive the applicant of rights currently enjoyed by the neighboring parcel because they were apparently allowed to employ a similar mix of materials as that requested here.

4. How the special conditions and circumstances do not result from the actions of the applicant.

No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

Granting the requested variance will not create special privilege for the applicant compared to other non-adjacent buildings within same district because they would not appear “different” or “out of place” compared to their adjacent properties unless similar variances were granted there.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The applicant does not knowingly request this variance based on any existing non-conforming use of other properties.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

The applicant believes the requested variance is the minimum necessary for reasonable use. The goal is to appear in harmony with existing neighboring property without sacrificing the intent of the overlay guidelines.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

This variance, if granted, will be in harmony with the intent of the Zoning Ordinance because the design intent achieved by requiring brick can also be achieved by other high quality and timeless masonry materials, and the proportion of brick that is currently required is not significantly changed by this variance.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #9

Variance to Technology Parkway Architectural Standards 7.948

Requesting relief from 7.948 item 6 which states “Multi-pane windows shall be used in individual window openings, rather than large glass sheets.”

APPLICANT RESPONSE STATEMENT – REQUEST #9

1. Explain requested variance.

This item requests that typical retail storefront glass proportions and mullion sizes be allowed in order to match the style of the adjacent property.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The building is unique in that it is situated next to an existing multi-tenant retail building that uses a similar mix of materials and appears to have been granted a similar variance. The applicant believes it is in the best interest of the applicant and the community for these two buildings to have a similar, cohesive design palette without sacrificing the intent of the code to produce a finished product with high quality materials over the majority of the building.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The literal interpretation of the Zoning Ordinance would deprive the applicant of rights currently enjoyed by the neighboring parcel because they were apparently allowed to employ a similar variance.

4. How the special conditions and circumstances do not result from the actions of the applicant.

No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

Granting the requested variance will not create special privilege for the applicant compared to other non-adjacent buildings within same district because they would not appear “different” or “out of place” compared to their adjacent properties unless similar variances were granted there.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The applicant does not knowingly request this variance based on any existing non-conforming use of other properties.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

The applicant believes the requested variance is the minimum necessary for reasonable use. The goal is to appear in harmony with existing neighboring property without sacrificing the intent of the overlay guidelines.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

This variance, if granted, will be in harmony with the intent of the Zoning Ordinance because the applicant believes that it is not the intent of the ordinance to block or diminish the visible area of retail displays by requiring frequent mutton bars and mullions.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #10

Variance to Zoning Case #101-11 I.4

Requesting relief from item 9.I.4 which states “All buildings must have a minimum of 50% clear glazing facing the public street.”

APPLICANT RESPONSE STATEMENT – REQUEST #10

1. Explain requested variance.

This item requests that the 50% minimum clear glazing requirement facing the public street be revised based on the fact that the public street in this case is Ridgewalk Parkway, yet there is no pedestrian access to Ridgewalk Parkway due to site topography. A similar variance was granted to the neighboring parcel #6.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The building is unique because the elevation of the site and site access road are above Ridgewalk Parkway to an extent that makes access from Ridgewalk unrealistic. Therefore the primary entrances for pedestrians will be on the opposite side of the building from Ridgewalk Parkway.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

Since the primary entrances will be on the opposite side of the building from Ridgewalk Parkway, the back of house and storage areas of each tenant will be closest to Ridgewalk Parkway. Clear glazing in those areas of a building is unsightly and impractical and would put undue hardship on the tenants and therefore the owner.

4. How the special conditions and circumstances do not result from the actions of the applicant.

No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

Granting the requested variance will not create special privilege for the applicant compared to other buildings with normal site elevations in relation to Ridgewalk Parkway because they are physically able to meet that condition.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The applicant does not knowingly request this variance based on any existing non-conforming use of other properties.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

The applicant believes the requested variance is the minimum necessary for reasonable use. The goal is to meet the design intent of the code without causing an unsightly condition by exposing back of house areas to public view.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

This variance, if granted, will be in harmony with the intent of the Zoning Ordinance because the applicant believes that it is not the intent of the ordinance to create public visibility into areas that are considered storage, kitchen, or other "back of house" type uses.

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #11

Variance to Zoning Case #101-11 I.5

Requesting relief from item 9.I.5 which states “All buildings must have a minimum of one functional entry facing the public street.”

APPLICANT RESPONSE STATEMENT – REQUEST #11

1. Explain requested variance.

This item requests that at least one functional entry should face the public street, in this case Ridgewalk Parkway, however the elevation of the site in relation to the street makes this an impractical and unsafe condition.

2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or buildings(s) and which are not applicable to other land, structure(s) or buildings(s) in the same district.

The building is unique because the elevation of the site and site access road are above Ridgewalk Parkway to an extent that makes access from Ridgewalk unrealistic. Therefore the primary entrances for pedestrians will be on the opposite side of the building from Ridgewalk Parkway.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

If the literal interpretation is used, the applicant would have to create an unsightly and hard to negotiate set of stairs and ramps to get from the street grade up to the building elevation.

4. How the special conditions and circumstances do not result from the actions of the applicant.

No specific action by the applicant led to this condition.

5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or buildings(s) in the same district.

Granting the requested variance will not create special privilege for the applicant compared to other buildings with normal site elevations in relation to Ridgewalk Parkway because they are physically able to meet that condition.

6. How no non-conforming use of neighboring lands, structure(s) or buildings(s) in the same district and not permitted or non-use of lands, structure(s) or buildings(s) in other districts shall be considered grounds for issuance of a variance.

The applicant does not knowingly request this variance based on any existing non-conforming use of other properties.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of lands, structure(s) or buildings(s).

The applicant believes the requested variance is the minimum necessary for reasonable use. The goal is to meet the design intent of the code without causing an unsightly and unsafe condition for pedestrians.

8. Explain how, if granted, this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties of otherwise detrimental to the public welfare.

This variance, if granted, will be in harmony with the intent of the Zoning Ordinance because the applicant believes that the ordinance was not intended to apply to sites with dramatically different elevations than the public street.