

APPLICANT RESPONSE STATEMENT- VARIANCES LDO 7.728 Downtown Site Limits Table; Allow residential units in a mixed-use building

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative. In the case of concurrent variances, a response to the standards below should be provided for each variance requested.

1. Explain requested variance.

Applicant requests to allow eight (8) residential units in a live/work building along Main Street.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The parcels are small and there is a need for enough residential units to share the development for the property.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The Applicant is trying to comply with the zoning designation of DT-RO which encourages mixed-use buildings; however, a variance is required in order to do so. It would be an unnecessary hardship to not allow something that the ordinance encourages.

4. Such conditions are peculiar to the particular piece of property involved.

Conditions such as the shape, size and topography are peculiar to the subject property.

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

There are many examples of mixed-use buildings with residential over office in the downtown district. The Applicant only requests the same rights.

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

The Applicant is requesting a variance to carry out the intent of the ordinance of encouraging mixed-use buildings.

7. **Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.**

The parcel is narrow in shape which dictates the size and shape of the commercial buildings. Other parcels in the vicinity are either larger in size or are primarily single family residential.

8. **Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.**

Granting the variance is necessary to preserve the Applicant's property rights and to meet the intent of the ordinance which encourages mixed-use buildings and higher densities.

9. **The condition from which relief or a variance is sought did not result from willful action by the applicant.**

The Applicant did not cause the condition of the small parcel size or narrow shape of the property.

10. **Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.**

This proposal will invigorate this area of Main Street with new residents and commercial development while keeping the scale intimate and enhancing the pedestrian environment.