

APPLICANT RESPONSE STATEMENT- VARIANCES

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.

1. Explain requested variance.

REO Funding Solutions III, LLC ("REO") requests variances to the existing buffer and landscape requirements to accommodate the limited utility of the subject property bordered by common access roadways and common property being utilized by and developed as a master development for the neighboring developments. The requested variances will provide for the ability to implement adequate parking and interior movement and access. The brick and lobby variances will allow for building structure that satisfies the intent of the code by more efficient and effective means not otherwise achievable.

That said, the specific variances requested are as follows:

- a) Reduce Hwy 92 streetscape landscape buffer from forty feet (40') to twenty feet (20'); (Sec. 7.929);
- b) Reduce rear zoning buffer adjacent to single family attached from seventy-five feet (75') to twenty feet (20') from back of curb; (Sec. 7.928);
- c) Reduce side zoning buffer adjacent to single family attached from seventy-five feet (75') to zero feet (0') along western property line; (Sec. 7.928);
- d) Reduce side zoning buffer adjacent to commercial from forty feet (40') to twenty-five feet (25') from access easement; (Sec. 7.928);
- e) To allow for the building to exceed the maximum height of forty feet (40') for a maximum of forty-eight feet (48'); (Sec. 7.928);
- f) Reduce the minimum square footage of common area lobby from one thousand feet (1,000') to five hundred thirty-two square feet (532 sf) with over twelve hundred square feet (1,200') of additional connecting common entrance space; (Sec. 7.506(10));
- g) Reduce the minimum percentage of brick requirement on three sides from eighty percent (80%) to an overall four sided sixty-five and one half percent (65.5%); (Sec. 7.968 (5)).

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

The topography including the shape of the property is irregular with property lines extending into the access easement and private drives due to its development as a master plan providing access to adjoining residential and commercial properties. The property is minimal in size and further limited by a small portion of adjoining property owned by the neighboring residential development.



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

The regulations to which this application requests to vary otherwise restrict the viable utility of the property from this or other reasonable commercial uses otherwise appropriate for this corridor of Hwy 92.

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

The irregular property lines and common access roads leave potential development with conditions particular to this property. The residential development uniquely situated to the rear of this commercial development fronting Hwy 92 provides the opportunity to provide for more aesthetically appealing architecture on all four sides of the building.

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

A literal interpretation of the buffer and lobby size requirements are unworkable in light of the limited utility of the property as a result of its master development design. The goal of the brick percentage requirements are satisfied by utilizing the proposed façade which is equivalent in utility but superior in economy. The proposed brick percentage also allows for four (4) sided architecture not otherwise attainable or mandatory under the City Code.

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

The requested relief will benefit the public good in providing for hotel accommodations not otherwise available but appropriate to serve visitors and residents in this corridor of Hwy 92.

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 situation and irregularity of the land is peculiar to this property as a result of the way in which it was developed as part of the master plan.

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 of the application will benefit the applicant greater than simply convenience but will appropriately allow reasonable and appropriate commercial utility of the property.

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

The condition of the property is the result of its master development and providing common access and not the actions of the applicant.

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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.

The requested variances will not increase congestion but will allow for development of a use that will generate less traffic than other permitted commercial uses, will improve the safety of the property and adjoining area and will provide a significant employment outlet to benefit the general welfare of the City.

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