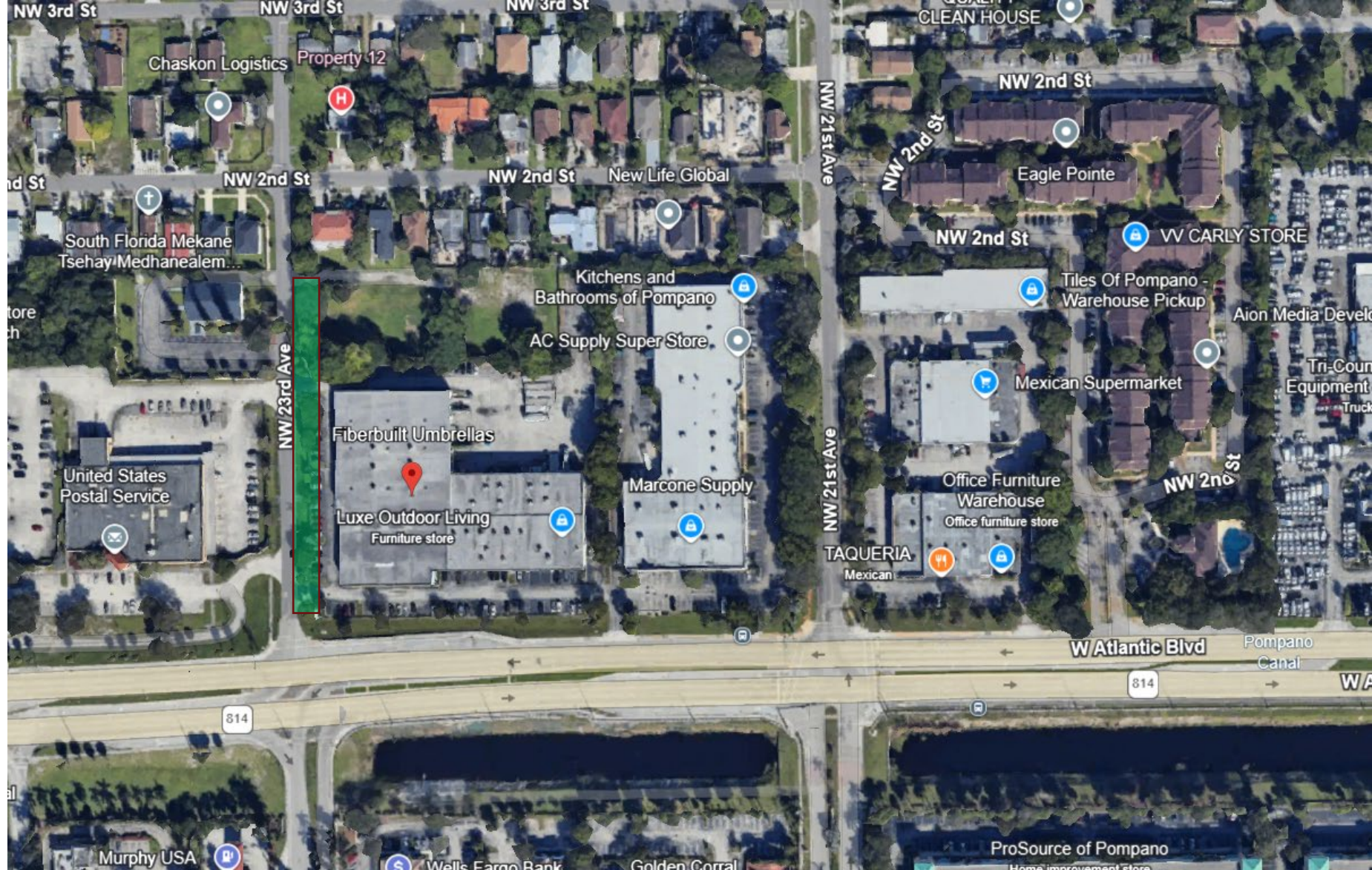


FIBERBUILT VARIANCE APPLICATION

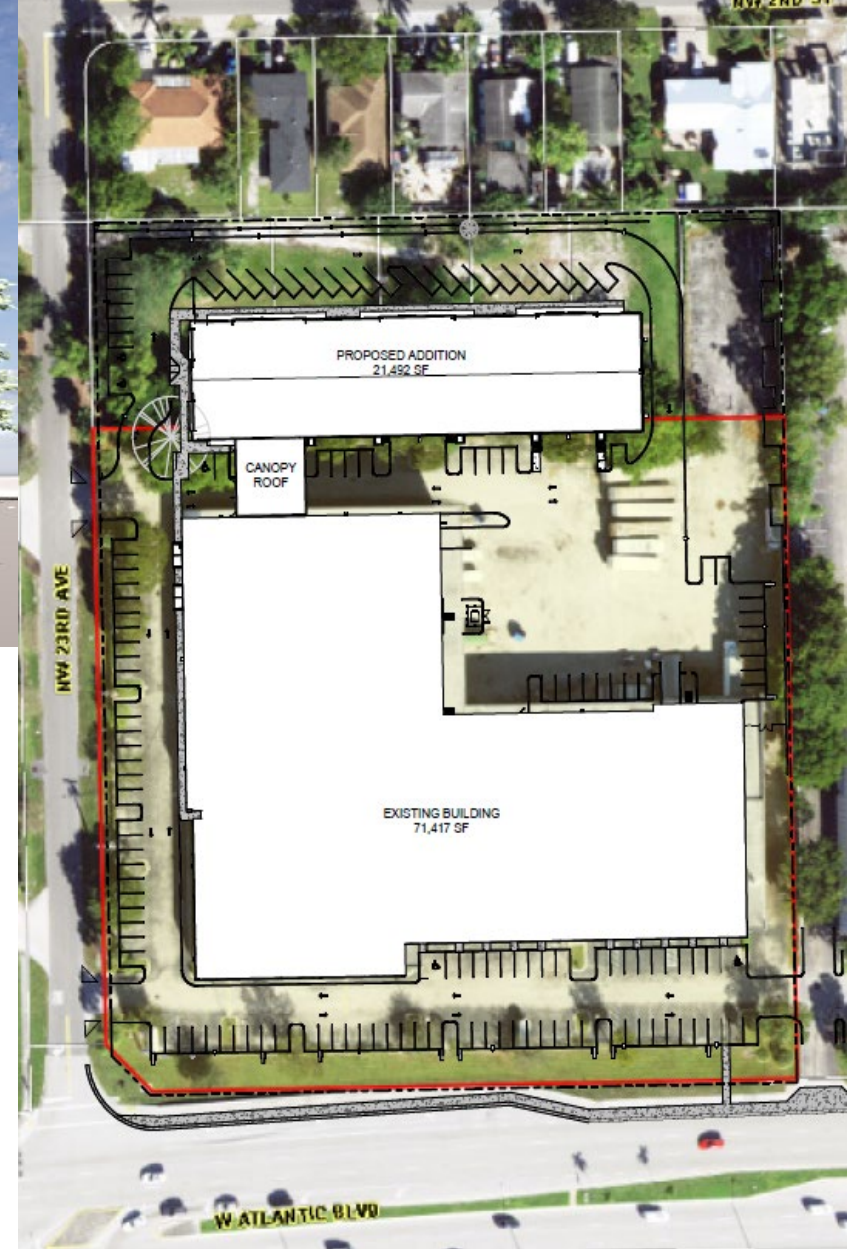
VAR-2025-3





PROJECT SCOPE

- PROPOSED BUILDING EXPANSION OF 21,492 SF TO OCCUPY THE NORTHERN PORTION OF THE SITE
- WE WERE DEALING WITH 5 LAND LOCKED RESIDENTIAL LOTS AND THE DIFFICULTIES CONVERTING THESE TO VIABLE COMMERCIAL PROPERTY
- REZONING APPROVAL ON JUNE 11, 2024
- CURRENTLY IN THE DRC PROCESS REQUIRED A 5'-0" RIGHT OF WAY DEDICATION FOR NW 23RD AVE
- REQUIRED THE PRESERVATION OF A SIGNIFICANT SPECIMEN TREE ON SITE
- STAFF DESIRE FOR THE BUILDINGS TO CREATE A CONSISTANT STREET FRONTAGE ALONG NW 23RD STREET AND ALING THE NEW BUILDING FRONT WITH THE EXISTING BUILDING

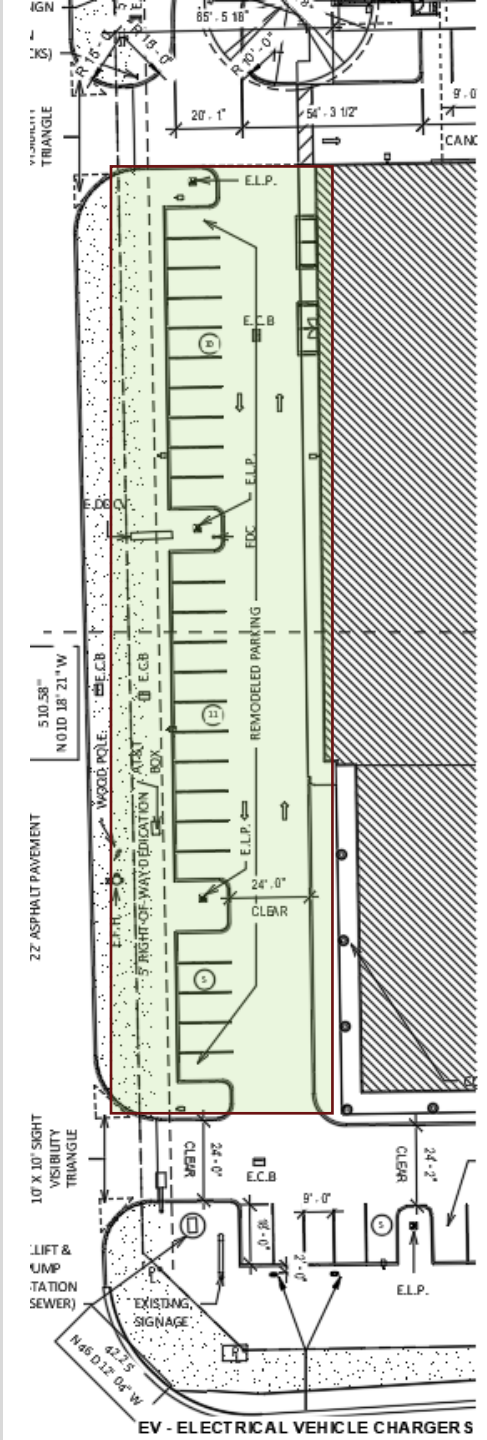


HARDSHIPS

HARDSHIP 1

Due to the deficient ROW width existing on NW 23rd Avenue the applicant is presented with an undue hardship related to the required dedication of an additional 5'-0" of property. This would severely affect the existing portion of the site by having to eliminate twenty-seven (27) 90-degree parking spaces

Justification 1 – Being that the area in question is currently part of the site and is currently landscaped and there is no immediate or foreseeable need for the widening of NW 23rd Avenue the additional 5'-0" of VUA would have little effect on the aesthetics or buffering of this area.





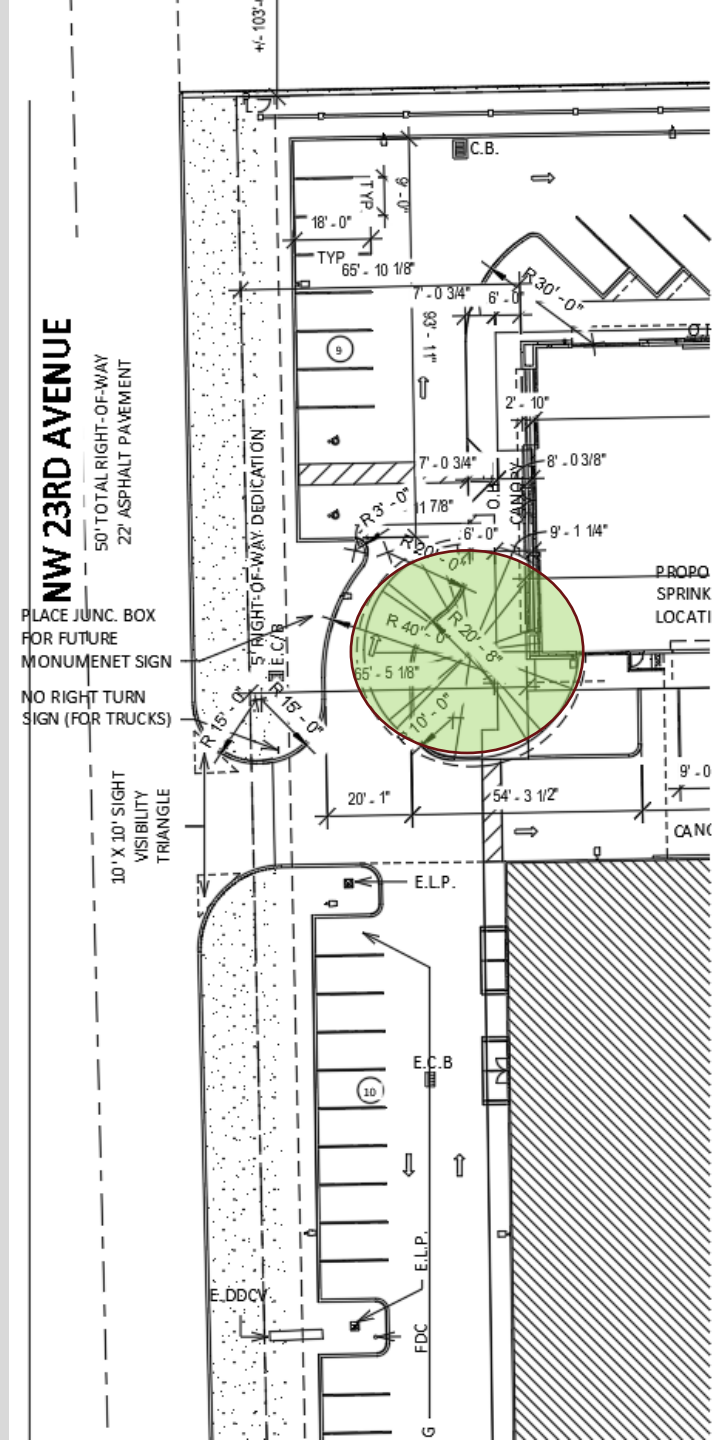
01 HARDSHIPS

HARDSHIPS

HARDSHIP 2

Hardship 2 – The proposed portion of the site is confined by two particular issues first being a very large specimen Oak tree (tree #35) has been identified by the City Arborist as a tree that must be preserved. In doing so it limits the dimension of the driveway and parking such that the 10'-0" VUA is reduced in depth to match the existing portion of the site.

Justification 2 - The aesthetic value and buffering quality that the preservation of the specimen tree and the landscape areas around it, in our professional opinion, outweighs those values that would be achieved by the wider VUA. Furthermore, in order to achieve the desired, the additional area is required for driveway width.



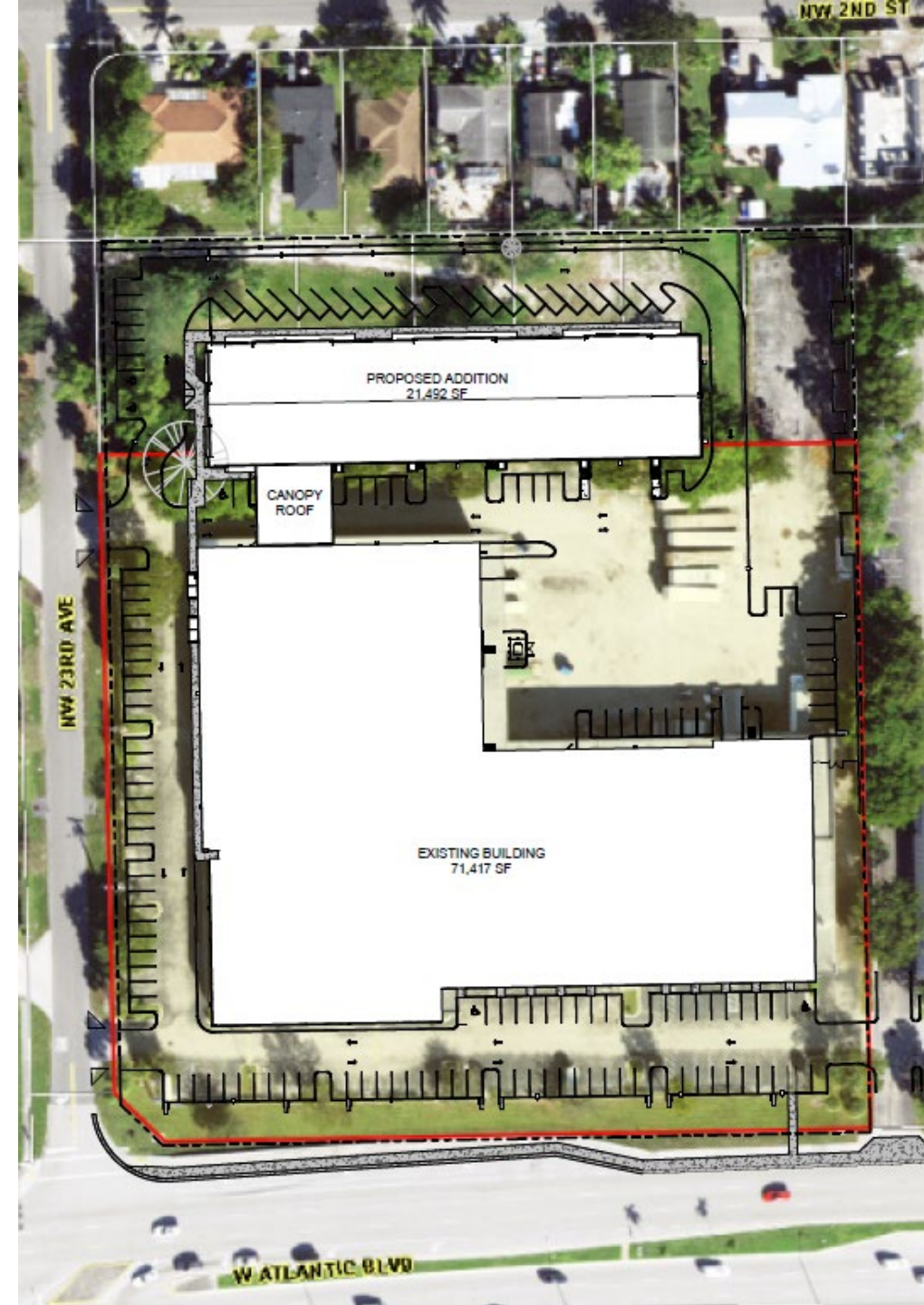
HARDSHIPS



CONFORMANCE TO VARIANCE STANDARDS

There are **extraordinary and exceptional** conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity

Response: The existing site configuration and the presence of a significant specimen tree or hardships that would not apply to other sites in the vicinity.



CONFORMANCE TO VARIANCE STANDARDS

The **extraordinary and exceptional** conditions referred to in paragraph a., above, **are not the result of the actions of the landowner;**

Response: The site conditions are existing and are not a result of the actions of the owner. In fact, they are a direct result of the City's request for the dedication of an additional 5'-0" of right-of-way and the preservation of the specimen tree that has caused necessity of this request.



CONFORMANCE TO VARIANCE STANDARDS

Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or **unreasonably restrict the utilization of the land** or structure and result in unnecessary and undue hardship;

Response: The strict application of the VUA requirement would effectively prohibit the use of the existing portion of the property by reducing the parking count by twenty-seven spaces and thus placing the entirety of the project in a parking deficit



CONFORMANCE TO VARIANCE STANDARDS

The Variance would **not confer any special privilege** on the landowner that is denied to other lands or structures that are similarly situated.

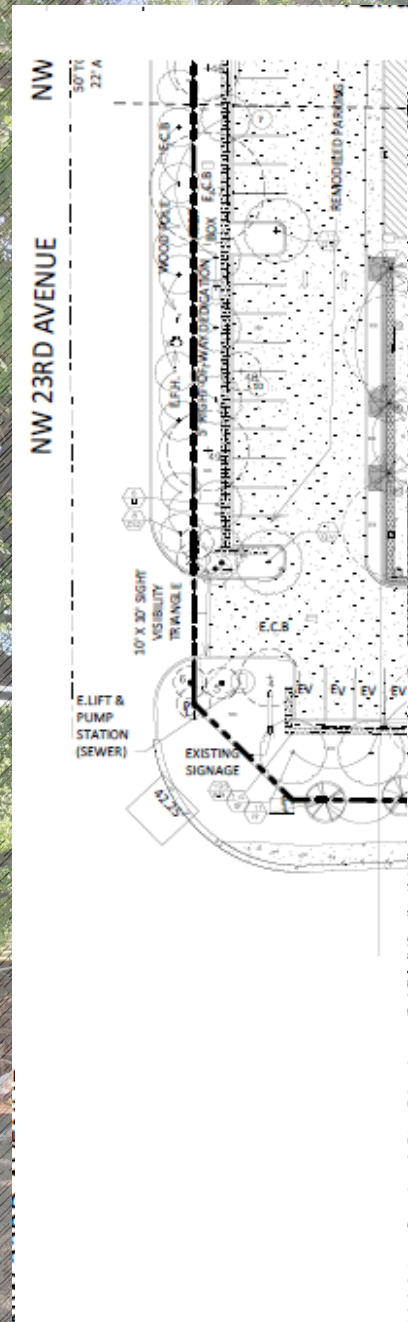
Response: Due to the unique situation of combined hardships and the additional land dedication required, this variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.



CONFORMANCE TO VARIANCE STANDARDS

The **Variance is in harmony** with the general purpose and intent of this Code and preserves its spirit.

Response: The variance is in harmony with the general purpose and intent of the code by providing additional landscape materials within the dedicated portion of the right-of-way to make up for the VUA lost by the city required dedication thus preserving and being in harmony with the aesthetic and buffering intent of the code



CONFORMANCE TO VARIANCE STANDARDS

The Variance would **not adversely affect the health or safety** of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare

Response: The variance is will note adversely affect the health safety or welfare of the neighborhood as it will be indistinguishable from the code condition due to the increased landscaping in the dedicated portion of the right of way.



CONFORMANCE TO VARIANCE STANDARDS

The Variance is consistent with the **comprehensive plan**.

Response: Yes, by providing the additional 5'-0" ROW dedication that necessitates the requested variance the site plan would now be consistent with the comprehensive plan for required ROW width.



CONFORMANCE TO VARIANCE STANDARDS

The extent of the **Variance is the minimum necessary** to allow a reasonable use of the land or structure;

Response: The requested variance is the minimum necessary to accomplish the requirements set forth by the city in the right of way dedication and preservation of the specimen tree





Q & A