

ATTACHMENT 1

Variance requested: Reduction of 9 spaces from 30-488, LDC.

Summary:

Section 488(4)(a), LDC, allows for a 15% parking credit when an interconnect is possible. For the Subject site, that would be 9 spaces. For the reasons stated herein, the applicant seeks a 9 space reduction.

a. That there are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved;

There are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved. Specifically, the buildings involved and the parking lots involved do not allow for the construction of a vehicle interconnect without the loss of approximately 6 parking spaces and the elevation change creates an additional practical difficulty.

b. That there are special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request;

There are special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request. Specifically, the applicant did not construct both buildings and, when the 287 Building was constructed, it was not under common ownership with 297. Further, the Applicant has no control over changing code requirements.

c. That a literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant;

A literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant. Specifically, installing an interconnect for vehicles will cause actual available parking spaces to decrease despite the availability of parking from both buildings for either building and the pedestrian connection. Further both lots together are about 200 feet wide and thus, the total distance to walk from one parking lot to the other building is not substantial. For comparison the Publix on San Marco Road has a parking lot that is wider than 750 feet, more than triple the distance. The additional challenge to use an interconnect due to elevation changes is an unnecessary and undue hardship and creates a practical difficulty.

d. That the variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare;

The variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare. Specifically, this approval is contingent upon the construction of a pedestrian interconnect that allows for the same flow of pedestrian traffic between the parcels that would otherwise be accomplished by vehicles and provides only the credit that would otherwise be available.

e. That granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;

Granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district. Specifically, the interconnect credit is available to all lands, buildings, or structures in the same zoning district.

f. That granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

Granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The intent of the off-street parking and loading article of the LDC is:

It is the intent of this article that the public health, safety, comfort, order, appearance, convenience, interest, and general welfare require that every building and use erected or instituted after the effective date of this article shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers or patrons. It is also the intent of this article that certain uses must provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the use continues.

§ 30-481, LDC

The primary purpose expressed above is adequate parking. As this variance allows for the preservation of parking spaces while allowing pedestrian movement between buildings, that intent is achieved.

g. That there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, or similar circumstances; and

Not applicable.

h. That the granting of the variance will be consistent with the comprehensive plan.

The granting of the variance will be consistent with the comprehensive plan. There is no policy addressing parking credits, but, Objective 3.2 states: "To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve." The requested variance accommodates orderly and well-planned commercial and mixed-use development by allowing for multimodal travel.