

FORM-BASED CODE VARIANCE REQUESTS

29 W Main will be the first ZenniHome mid-rise project. This project will utilize the ZenniHome units in a stacked configuration to create two 5 story residential towers over a ground level commercial use.

The project is located at 29 W Main Street in the heart of Mesa's revitalized downtown district. The site is only 350' from a light-rail stop, City Hall, and the Mesa Arts Center.



This building is proposed on an existing site, 29 W Main Street, Mesa, Arizona (“Site”) with existing ground floor and basement commercial space and parking along an adjacent private alley accessway as well as surface parking on the south half of the Site. To permit this building on an existing site with its unique and innovative construction techniques while maintaining the ground floor and basement commercial uses, we are requesting, per section 11-56-4 F. Variances, the following variances to the Form-Based Code (“FBC”) for this Site.

All of the following variances are being requested of the City of Mesa Code Ordinance, Title 11 – Zoning Ordinance, Article 6-Form-Based Code, Chapters 58 – 61 (Building Form Standards, Building Type Standards, Private Frontage Standards, and Thoroughfare Standards respectively).

The Site is designated as **T6 Main Street** (T6MS) transect zone with the same transect designated across on the north across Main Street, on the east and west where there are existing commercial and mixed-use structures. The south of the site across South Main Street Alley is designated T5 Main Street Flex (T5MSF).

Only three (3) Building Type Standards are permitted within the T6MS transect zone. To accommodate the proposed building, the **Mid-Rise Building Type Standards** are being used. High-Rise Building Type Standards are not appropriate for this type of construction as they require the building to be more than eight (8) stories tall. Similarly, Main Street Mixed-Use Building Type Standards only permit building up to four (4) stories tall.

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## Request ONE

Per section 11-58-11 T6 Main Street (T6MS) Standards C. Building Placement under the subsection Build-to Lines, Front the requirement is 0' allowed between the property line/ROW and the face of the building on the ground level. The existing building sits back from the ROW approximately four (4) feet. This building will have a much deeper Arcade than the Galleries on the existing buildings (ten (10) feet on the west, nine and a half (9.5) feet on the east). The proposed design keeps the glass line where it has been historically and expands the Arcade to form a similar street edge with the adjacent properties. We are requesting a variance to allow the Build-to Lines to be up to four and a half (4.5) feet behind the property line/ROW on this Site.

### 11-58-11 T6 Main Street (T6MS) Standards C. Building Placement, Build-to Lines:

FBC Requirement:	Variance Requested:
Front – 0'	Front – up to 4.5' setback from the ROW

- 1. Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The existing building is currently set back four (4) feet from the property line/ROW. The adjacent buildings have Galleries (ten [10] feet on the west, nine and a half [9.5] feet on the east). The 0' Build-to Line requirement with the addition of a twelve (12) foot arcade would force this building to be four and a half (4.5) feet proud of the rest of the street line on the ground floor level.

- 2. Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The façade setback of the building is pre-existing. The existing Galleries on the adjacent buildings are pre-existing.

- 3. Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance of the FBC would prohibit this Site from utilizing the Gallery/Arcade option available to (and existing on) adjacent properties.

- 4. Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does.

## Request TWO

Per section 11-58-11 C. Building Placement under the subsection Build-to Lines, BTL Defined by a Building, Front, the requirement is one hundred percent (100%) of the property line/ROW must be defined by a building on the ground level. The west portion of the Site is currently used for north bound traffic along the two-way vehicular access known as Drew Alley. While the west ten (10) foot wide pedestrian walkway and ten (10) feet of roadway are in a public ROW, the eastern portion of Drew Alley is on private property, this Site. We have worked with City Staff to narrow Drew Alley to allow us the maximum amount of building frontage. Any additional frontage would require closing Drew Alley to vehicular traffic. As such we are requesting that the required amount of the BTL Defined by a Building, Front be reduced to **eighty six percent (86%) for this site.**

### 11-58-11 C. Building Placement, Build to Lines:

FBC Requirement:	Variance Requested:
BTL defined by a building: Front – 100%	BTL defined by a building <b>Front – 86%</b>

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The existing site provides access via a half private, two-way, Drew Alley to the South Main Street Alley and public parking south of the Main Street commercial uses. The width of the private portion of the accessway, Drew Alley, prohibits the building from defining 100% of the BTL along Main Street. A building can only define **86% of the BTL** due to this constraint.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The use of the western most portion of the property as Drew Alley is pre-existing. We have worked with City Staff to narrow the alley cross section as much as possible to allow as much building as possible to define the BTL as required.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance of the FBC would require terminating the use of Drew Alley as a vehicular access to the public parking areas south of the Main Street commercial uses.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this site does.



### Request THREE

Per section 11-58-11 D. Building Form under the subsection Height, Upper Floor(s) Ceiling, nine (9) foot min. clear must be provided. This building will use standardized manufactured modular housing for the residential units on the upper levels. They will be manufactured at ZenniHome in Page, Arizona and shipped to the site and knit together. Each apartment must be designed in compliance with International Organization for Standardization (ISO) standards. The size of the overall unit is limited in height, width and length to be able to be shipped via standard routes. As such, while ZenniHomes uses the tall ISO dimension, the interior finishes will limit the upper residential levels to seven (7) foot, eight (8) inches clear in the bathrooms and interior walkways, and eight (8) foot, six (6) inches clear in the main rooms. Automated furniture in these main rooms will, depending on the setting, take up additional clear height as the bed rises into a coffered ceiling. We therefor request a variance on the upper levels to a minimum of seven (7) foot, eight (8) inches clear in the bathroom and walkway spaces, eight (8) foot, six (6) inches clear in the main living spaces, and that furniture, including built-ins, be excepted from any clearance requirements.

#### 11-58-11 D. Building Form. Height

FBC Requirement:	Variance Requested:
Upper Floor(s) Ceiling - 9' min. clear	7'-8" min. clear in bathroom, and walkways, 8'-6" clear in main rooms, exception for furniture and built-ins

- 1. Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

This project will use standardized manufactured modular housing, shipped to the site. Each apartment must be designed to comply with International Organization for Standardization (ISO) standards. The size of the overall unit is limited in height, width and length to be able to be shipped via standard routes over our local roads, including under bridges and other limitations.

- 2. Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The maximum size of each manufactured apartment is pre-existing and predetermined by ISO Standards.

- 4. Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC ceiling height would effectively prohibit the use of manufactured housing utilizing ISO standards in the T6MS transect zone.

3. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because the most variance requested will not produce any noticeable quality difference nor allow any additional floors to be added to the building on this Site.

#### **Request FOUR**

Per section 11-58-11 D. Building Form under the subsection Footprint, Depth, Ground-Floor Space, a minimum fifty (50) foot deep space is required from the Property Line/ROW) to parking. The Site has existing head-in parking off of Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. Due to the need for parking on-site for the commercial uses and area adjacent to South Main Street Alley for utilities, parking is proposed to remain for much of the frontage along Drew Alley. There will be a narrow bay twelve (12) feet, eight (8) inches of liner commercial between the parking and ROW to maintain the ground level streetscape along Main Street. The superstructure of the proposed building would allow the parking along Drew Alley to be converted to commercial space in the future if parking were no longer needed on-site. We therefore request a variance to a minimum depth of twelve (12) feet, eight (8) inches for the Ground-Floor Space for this Site.

#### **11-58-11 D. Building Form. Footprint**

FBC Requirement:	Variance Requested:
Depth, Ground-Floor Space - 50' min.	12'-8" min.

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The Site has existing head-in parking from Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. On Site parking is highly restricted and needed to support commercial uses. Area adjacent to South Main Street Alley is needed for utilities.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The parking along Drew Alley in close proximity (approximately eight [8] inches) to Main Street ROW is an existing condition.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*



Strict compliance with the FBC would deprive the property of four (4) parking spaces and would add additional commercial square footage to the Site which would require more parking.

*4. Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because this is an existing condition which allows the continued use of existing commercial space.

## Request FIVE

Per section 11-58-11 F. Parking under the subsection Location, Front Setback, Ground Floor, a minimum fifty (50) foot setback is required from the Property Line/ROW) to parking. The Site has existing head-in parking accessed from Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. Due to the need for parking on-site for the commercial uses and area adjacent to South Main Street Alley for utilities, parking is proposed to remain for much of the frontage along Drew Alley. There will be a narrow bay twelve (12) feet, eight (8) inches of liner commercial between the parking and ROW to maintain the ground level streetscape along Main Street. We therefore request a variance to a minimum setback of twelve (12) feet, eight (8) inches for parking on the ground floor from the Property Line/ROW for this Site.

### 11-58-11 F. Parking. Location (Distance from Property Line/ROW)

FBC Required:	Variance Requested:
Front Setback to Ground Floor – 50'	12'-8" min.

*1. Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The Site has existing head-in parking from Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. On Site parking is highly restricted and needed to support commercial uses. Area on-site adjacent to South Main Street Alley is needed for utilities.

*2. Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The parking along Drew Alley in close proximity (approximately eight [8] inches) to the South Main Street Alley ROW is an existing condition.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would deprive the property of four (4) parking spaces and would add additional commercial square footage to the Site which would require more parking.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does.

### Request SIX

Per section 11-58-11 F. Parking under the subsection Miscellaneous, Parking Access Drive Width, Side Street/Alley, parking areas may only be accessed by a Parking Access Drive Width up to twenty (20) feet wide. The south half of the ground floor level is utilized for surface parking under the podium level. This parking area is accessed from Drew Alley and contains approximately seventeen (17) parking spaces. The parking is arranged as head-in parking off a center aisle. Per Mesa parking standards a minimum 24' drive isle is required. In this urban setting there is no driveway to neck down the entrance to the parking lot from the private Drew Alley.

All the parking on the site and the public parking lot (greater than 40 spaces) to the southwest of the Site is accessed via Drew Alley. We have made this alley as narrow as possible and are proposing a two-way, twenty-two (22) foot wide roadway section. Half of Drew Alley is private and may be considered by a strict interpretation of the FBC be limited in width by this section if it was considered a Parking Access Drive with access from the "Front," Main.

The Site has existing head-in parking accessed from Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. Due to the need for parking on-site for the commercial uses and area adjacent to South Main Street Alley for utilities, parking is proposed to remain for much of the frontage along Drew Alley.

We therefore request a variance to 1.) Permit the Parking Access Drive Width on this Site to be a maximum of twenty-four (24) feet; 2.) classify Drew Alley not as a "Parking Access Drive", 3.) Permit head-in, 90-degree/perpendicular parking from Drew Alley on this Site.

#### 11-58-11 F. Parking. Location (Distance from Property Line/ROW)

FBC Required:	Variance Requested:
Front, >40 spaces – 20' max. Side Street/Alley – 20' max.	Access from side (private) alley – 24' Drew Alley is not a Parking Access Drive, or if it is, it is permitted to be a maximum of 22' wide

	Head-in (90-degree parking) is allowed from Drew Alley and does not require a Parking Access Drive
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1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The parking area accessed from Drew Alley will have no landscape setbacks or corresponding driveways to neck down the width of the Access Drive without prohibiting the operation of the parking spaces.

The Site has existing head-in parking from Drew Alley on the west portion of the site. This condition exists immediately behind a masonry wall at the property line. On Site parking is highly restricted and needed to support commercial uses. The width to support continued parking along Drew Alley is greater than the minimum required, as twenty-four (24) feet is needed for vehicles to maneuver into perpendicular parking spaces.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

These conditions are pre-existing as the Site has existing head-in parking from Drew Alley and Parking Access Drives without landscape buffers to neck down the Access Drives without limiting the use of the parking spaces.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would deprive the property of Seven (7) parking spaces along Drew Alley and at least two (2) more in the parking area on the south of the Site. Strict Compliance may also require further narrowing Drew Alley to a twenty (20) foot wide section that is not acceptable to City Engineering Staff or limiting traffic to a single direction.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does. Few other lots are of similar size, surrounded by two alleys and Main Street like this Site is.

## Request SEVEN

Per section 11-59-14 Mid-Rise D. Building Size and Massing, subheading Footprint, Floors 1-2, the maximum depth one hundred fifty (150) feet. Per section 11-59-14 D. Building Size and Massing, subheading Footprint, Floors 3+, Depth is limited to 65' max.. This building is requesting an encroachment permit into the ROW of Main Street and is designed to use the entire existing property which is one hundred fifty-five (155) feet deep. The use of standardized manufactured housing in two set sizes for the residential units above commercial on the ground floor. The dimensions of the residential floors are modular and limited to be in compliance with International Organization for Standardization (ISO) standards. The depth of the building is a function of the aggregate depth of the apartments. We therefore request a variance for maximum depth to be one hundred seventy-four (175) feet.

### 11-59-14 D. Building Size and Massing, Footprint

FBC Required:	Variance Requested:
FLOORS 1-2 Depth – 150' max.	FLOORS 1-2 Depth – 163' plus 5.5' balconies on each end (total of 174')
FLOORS 3+ Depth – 65' max.	FLOORS 3+ Depth – 163' plus 5.5' balconies on each end (total of 174')

- Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

Due to the existing one hundred fifty-five (155) foot deep site and predetermined sizes of a modular apartment, the dimensions of the residential floors are limited based on the floorplan being compliant with the International Organization for Standardization (ISO) standards.
- Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The depth of the existing one hundred fifty-five (155) foot deep site is pre-existing condition. The maximum size of each manufactured apartment is pre-existing and predetermined by ISO Standards. The depth of the building is a function of the aggregate depths of the apartments and cannot be shortened without losing homes.
- Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC render a portion of the existing property useless.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does.

## Request EIGHT

Per section 11-59-14 D. Building Size and Massing, subsection Footprint, the floorplate of any floor may not be larger than the floor below. This building will use standardized manufactured modular housing in two set sizes for the residential units above commercial on the ground floor. The dimensions of the residential floors is limited to be constructed with apartments that are in compliance with the International Organization for Standardization (ISO) standards. The first floor has parking on the west off Drew Alley and surface parking on the south half of the lot. The upper levels create an arcade over the front walkway along Main Street. As a result, the upper residential floorplates are much longer (north to south) than the ground floor floorplate. There is a basement level that has a smaller floorplate than the ground floor floorplate. The podium level (level 2) with exterior landscape is the largest floorplate. Even levels have an extra deep common front balcony between the two (2) residential towers. As a result, level four (4) has a larger floorplate than level three (3) and level six (6) has a larger floorplate than level five (5). Balconies on the residential levels (levels 2-6) overhang the sidewalk and alleys below. We therefore request a variance allowing for the floorplate of any floor to exceed that of the floor below.

### 11-59-14 D. Building Size and Massing, Footprint

FRC Required:	Variance Requested:
The floorplate of any floor may not be larger than the floor below.	The floorplate of any floor may be larger than the floor below.

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

This site has an existing commercial building with a basement. The basement is smaller than the ground floor and as such already violates this rule. This property has alleys on two (2) sides and Main Street on the third. All of these adjacent spaces can be enjoyed by balconies overhanging lower levels. The Private Frontage Standards of the FBC encourage a covered walkway along Main Street. If the space above is used, this would be a violation of a strict interpretation of this rule.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The existing basement and ground floor commercial level are existing.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would require shrinking the ground floor to the size of the basement level or filling in the basement to keep the size of the ground floor uses. Strict compliance would also severely limit the upper residential levels without doubling the ground floor commercial space and eliminating on-site parking.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions (basement and ground floor commercial building) and restrictions (on-site and adjacent) as this Site does.

## Request NINE

Per section 11-59-14 E. Allowed Frontages, the Allowed Frontages do not include an Arcade. The existing building sits back from the ROW approximately four (4) feet. Adjacent properties include a gallery frontage along Main Street. The use of the arcade would permit a ground level with a pedestrian experience similar to the adjacent properties, while permit the use of the space above to add further activation to Main Street. We are requesting a variance to allow the residential floors above to overhang and create an arcade frontage in this location, including “Arcade” in the Allowed Frontages for this Site.

### 11-59-14 E. Allowed Frontages

FBC Required:	Variance Requested:
Shopfront, Gallery, Dooryard, Terrace	Arcade

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

An Arcade is an Allowed Frontage Types in the T6 Main Street (T6MS) Standards (11-58-11 E. Encroachment & Frontage Types, subsection Allowed Frontage Types. However, 11-59-14 Mid-Rise E. Allowed Frontages, does not list an Arcade as an Allowed Frontage. Section 11-59-13 Main Street Mixed-Use is also allowed in T6MS and per section E. Allowed Frontages permits an Arcade. Both adjacent buildings to the east and the west have Gallery Frontages and an Arcade will keep a similar experience for pedestrians at the ground level while allowing for a varied massing for the upper levels. Since our ground level glass façade is set back, using an arcade will allow for more efficient use of the upper levels.



A separate encroachment agreement will be pursued for the upper-level residential units and balconies overhanging the Right-of-Way (ROW) for Main Street.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The existing adjacent buildings already have Gallery Frontages. The existing building and basement below are setback from the ROW four (4) feet.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would prohibit the use of the upper levels over the Arcade for any use.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does. Only areas of intense use are designated T6. Forcing them to use the very limited Main Street Mixed-Use building type to utilize an Arcade Frontage Type is counterproductive to the T6 designation.

## Request TEN

Per section 11-59-16 Additional Standards for Mid-Rise and High-Rise Buildings A. High-Rise/Mid-Rise Buildings in T6MS, subsection Side/Rear Setback, Abutting T5, for Floors 1-5 the setback is 0' min. Per the same subsection, the setback for Floors 6-8 is 10'min.

The Site is designated T6, however south of **South Drew Alley**, the area is designated as T5MSF. The south portion of the Site is there by abutting T5.

Adjacent to the alley, the proposed building will be setback one (1) foot from the property line with five and a half (5.5) foot deep upper-level balconies overhanging the alley by four and a half (4.5) feet. **On levels 1-5 there is no issue, as balconies are excluded from the setback.** On level six (6), this requirement would require a ten (10) foot stepback in the building from which is not possible with this type of construction. These setbacks are measured from the property line when the properties are adjacent. When there is a twenty (20) foot wide alley between the properties, the rule applies as if the properties were adjacent even though the alley provides the required setback. We are requesting a variance to exempt the balconies from the setbacks and eliminate the additional setback for floor six (6), making the setback for floor six (6), zero (0) foot minimum for this Site.

## 11-59-16 A. High-Rise/Mid-Rise Buildings in T6MS

FBC Required:	Variance Requested:
<b>Side/Rear Setback</b> <b>Abutting T5</b> Floors 1-5 = 0' min. Floors 6-8 = 10' min.	Balconies are exempt from the Abutting T5 setback. Floor 6 = 0' min.

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

Due to the sizes of the modular apartment being preset, including a set balcony depth, the overall dimensions of the units are predetermined and based on International Organization for Standardization (ISO) compliance and Americans with Disabilities (ADA) access requirements. This construction form does not permit a 10' setback in the building.

A separate encroachment agreement will be pursued for the balconies overhanging the ROW in South Main Street Alley.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The size of the units are determined by ISO standards. Half or partial units cannot be used. ADA standards determine the depth of balconies.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would prohibit the use of the south ten (10) feet of the property for anything other than surface parking. A strict interpretation may go so far as to prohibit the south fifteen and a half feet (15.5) feet of the Site except for overhanging balconies and surface parking. This prohibition would be in place even though the alley between the properties is providing a greater setback than an adjacent use would.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

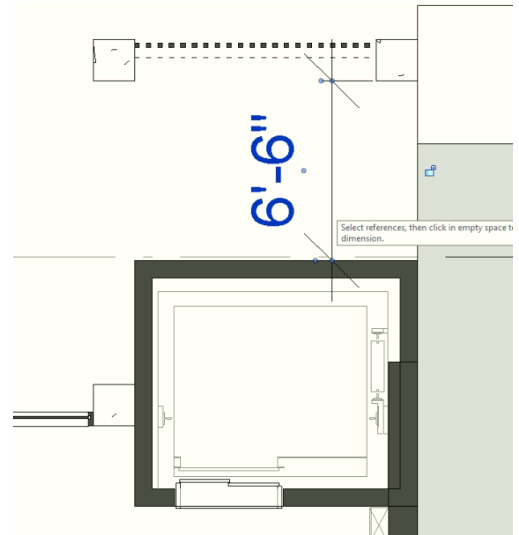
The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does. This Site is separated by a twenty (20) foot wide alley from the abutting property to the south.

## Request ELEVEN

Per section 11-60-13 Arcade B. Size, subsection “Depth, clear,” 12’ min. is required. The maximum encroachment into the ROW is fourteen (14) feet, and the minimum balcony dimension (per ADA) is five and a half feet (5.5). For the arcade to sit below the building mass and not below the overhanging balconies, it can only encroach eight and a half (8.5) feet. This building will have the elevator in the northeast corner at the property line to work with the ISO standard units above. The Arcade can only encroach eight and a half (8.5) feet into the ROW per above, leaving six and a half (6.5) feet clear with two (2) foot columns holding the levels above. Existing buildings to the east and the west have Galleries at are six (6) feet eight (8) inches and eight (8) foot four (4) inches clear, comparatively.

The existing building sits back from the ROW approximately four (4) feet. Putting the proposed glass line at this location will create a ten and a half (10.5) foot clear Arcade in the great length of the Arcade not constrained by the elevator.

The proposed design keeps the glass line where it has been historically and expands the Arcade to form a similar street edge with the adjacent properties. There is one short length where the dimension narrows down to make room for the elevator. We are requesting a variance to allow a Depth, clear of six and a half (6.5) feet.



Arcade Clear Depth at Elevator

### 11-60-13 Arcade B. Size, subsection Depth, clear

FBC Required:	Variance Requested:
12' min.	6.5'

- Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The existing building is currently set back four (4) feet from the property line/ROW. The adjacent buildings on the east and west have City constructed free standing Galleries, extending nine and a half (9.5) feet and ten (10) feet into the ROW respectively. In order to maximize the clear depth within the Arcade and align the mass of the building with the rest of the street line on the ground floor level (See request ONE), this proposal sets the glass line at the historic location and aligns the face of the Arcade with the adjacent Galleries. The elevator can not be setback four (4) feet like the rest of the glass line, there for it creates a pinch point in the clear depth. Further encroachment into the ROW to eliminate the pinch point and provide the minimum required clear depth is not permitted.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The existing setback of the building is pre-existing. The existing Galleries on the adjacent buildings are pre-existing, in order to match the established pattern on this Main Street Frontage, the Arcade's position is set. The maximum encroachment into the Main Street ROW is pre-existing. Due to the sizes of the modular construction also being preset, the elevator location for this project is limited.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance of the FBC would prohibit this Site from including an Arcade in line because encroachment to two (2) foot off of back of curb, as described in the Arcade, Size section is not permitted on Main Street.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions (existing adjacent Galleries) and restrictions (limitations on the amount of encroachment into the Main Street ROW) as this Site does.

## Request TWELVE

Per section 11-60-13 Arcade C Miscellaneous, Arcades with more than 2 floors of inhabitable space above the colonnade may not encroach into the Public ROW, and must be located so that it abuts a public ROW. This building will have a much deeper Arcade than the Galleries on the existing buildings (ten (10) feet on the west, nine and a half (9.5) feet on the east). We are requesting a variance to allow all five (5) floors above the ground floor to include inhabitable space over the Arcade. The ROW encroachment will include separate permitting and approvals.

### 11-60-13 C. Miscellaneous

FBC Required:	Variance Requested:
Arcades with more than 2 floors of inhabitable space above the colonnade may not encroach into the Public ROW, and must be located so that it abuts a public ROW	Permit floors 2-6 over the Arcade to be inhabitable space and within the ROW

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

Due to the predetermined ISO sizes of the modular apartments, including ADA required balcony depth, the building repeats on each floor for floors 2-6. It is not possible for this type

of building to step back eight (8) feet after the first two (2) floors of inhabitable space. A separate encroachment agreement will be pursued for specific approval for the overhangs in the Rights of Way for Main Street.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The adjacent existing buildings already uses a gallery frontage, allowing apartments to overhang this space, creating an arcade is an efficient use of space and required for the predetermined sizes of the modular apartments.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would impact the efficiency of using manufactured housing utilizing ISO standards on the residential floors.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does.

## Request THIRTEEN

Per section 11-60-13 Arcade C Miscellaneous, Arcades must have a consistent depth along a frontage. This building will have a much deeper Arcade than the Galleries on the existing buildings (ten (10) feet on the west, nine and a half (9.5) feet on the east). The location of the elevator on the frontage at the northeast corner of the Site causes a pinch point in the consistent depth along the frontage (see Request ELEVEN). We are requesting a variance to allow an inconsistent depth along the frontage at the elevator on this Site.

### 11-60-13 C. Miscellaneous

FBC Required:	Variance Requested:
Arcades must have a consistent depth along a frontage	The Arcade is permitted to have an inconsistent depth along the frontage

1. *Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example: size, shape, topography, location or surroundings).*

The adjacent buildings have Galleries, ten (10) feet on the west, nine and a half (9.5) feet on the east. In order to keep the clear depth of the Gallery as wide as possible for the majority of the frontage, the glass line has been set back four (4) feet to its historic location (See request ONE). While we can push the glass line back, the ISO dimensioned manufacture

housing above sets the location of the elevator on the property line/ROW. The location of the elevator on the property line and the glass set back creates an inconsistent depth along the frontage.

2. *Explain how the special circumstances or conditions cited in Question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?*

The existing adjacent Galleries, the existing glass line and the maximum fourteen (14) foot ROW encroachment are all pre-existing conditions of this Site.

3. *Explain how strict compliance of the Zoning or Sign Ordinance would deprive the property of uses or development options available to other properties in the same zoning district.*

Strict compliance with the FBC would require a consistent minimum depth Arcade.

4. *Explain why the requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning.*

The requested variance will not grant special privilege or unusual favor to this property or development over other sites with similar circumstances and zoning because they do not have the same existing conditions and restrictions (on-site and adjacent) as this Site does.