

EXHIBIT 7

STANDARDS FOR GRANTING A ZONING VARIANCE

R.R. BREITWIESER CORNER/41 W. JEFFERSON AVENUE

Section 6-7D-7 of the Municipal Code regarding Yard Requirements in the B4 Downtown Core District requires that “the setback shall be no greater than six (6) feet from any property line” (emphasis added). Petitioner is requesting a variance to allow the building setback at the north property line to be 17.08 feet.

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

Section 6-7D-1 states that the B4 District “is intended to contain intensive retail business activities”. Virtually every other zoning district has the opposite setback requirements that a building can be no closer than a certain number of feet. The intent is to not have open space and to have the building up close to the street which will enhance the retail shopping experience. This is primarily for the retail traffic which is along Jefferson Avenue and Main Street. The proposed building complies with these requirements along Jefferson and Main. The only variance is along the north side which fronts on the City parking lot. A building set back more than six feet adjacent to the parking facility would be in harmony with the general purposes of the master plan and the B4 Downtown Core District.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.

The City is requesting both a 5-foot public utility easement (originally 10 feet) and a 10-foot pedestrian easement along the north line of the property. Clearly a building could not be constructed within the easement areas. In addition, besides said easements, space is needed along the north line for door swings and outdoor space for a grease trap. Thus, it would impose an exceptional hardship to require the building along the north line to be no greater than 6 feet from the north property line.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

All the buildings on the north side of Jefferson Avenue in this block are built with basically no setback from the Jefferson right of way. However, virtually all of these buildings are set back more than six feet from the north property line adjacent to the city parking facility. Thus, granting the requested variance would not alter the essential character of the neighborhood and would not be a substantial detriment to adjacent property.