

TO: ZBA Board Members

FROM: Andrea Parks Van Houweling

RE: Request to grant three variances to the D2 zoned property at 1320 South University Avenue

DATE: October 23, 2012

There are no hardships or practical difficulties which will result from a failure to grant the three requested variances to the D2 zoned property at 1320 South University, and according to State law there must be a hardship or practical difficulty in order to grant a variance to a city's zoning code.

The "inability to attain the maximum financial return on a property" is not a hardship, according to the guidelines the ZBA must follow.

Without variances the petitioner can continue to rent the 36 units of the existing apartment building, and can even renovate them.

Without modifying the existing D2 zoning, the petitioner can build a mixed use five story building **nearly three times as large as the existing building.**

The petitioner, however, claims that the high cost of redevelopment would prevent him from building a five story, 60 foot tall, 19,000 square foot building. That is very hard to believe.

Instead of doing what is allowed in the D2 district, the petitioner wants to do what would be allowed to do if his property were rezoned to D1. The petitioner wants to be able to build a much larger building 145 feet tall and be allowed to ignore the require 40 foot buffers between the new building and the adjoining residential properties. The petitioner would indeed own a much more valuable property if these variances are granted to enable the construction of a much larger building. The fact that the petitioner has taken the *unprecedented* action of declining to submit a site plan for approval by the Planning Commission before requesting these variances probably indicates the petitioner wants to be able to sell the property with these variances for a much higher price rather than actually developing it.