

Subject: 1710 Dhu Varren Road (The Village)

From: KEN GARBER
Sent: Friday, March 17, 2023 9:23 AM
Subject: 1710 Dhu Varren Road (The Village)

To the Zoning Board of Appeals:

I'm writing about item E-1 on the March 22 meeting agenda, ZBA22-2028, 1710 Dhu Varren Road. This project, in my view, fails to meet three of the criteria specified in UDC Section 5.29.12:

5.12.12 C. General Criteria

1. A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:

3. That the alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Denial will result in zero practical difficulties beyond mere inconvenience and the inability to attain a higher financial return. All the petitioner needs for zoning compliance is to finalize and present a plan for the entire site. The staff report indicates that will happen soon. The necessary annexations have been completed. So the petitioner doesn't need this variance, except to enable a head start on the project.

4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

We should take a broad view of substantial justice and public benefits in this case. The UDC codified public benefits as "the public health, safety and general welfare." The project will include 320 apartments with gas-burning furnaces. In our current climate crisis, new construction with fossil fuel infrastructure harms the public health, safety and welfare by unnecessarily contributing to global heating. It's also incompatible with the city's A2ZERO plan, strategy 2 action 1, and strategy 3 action 2, which specify all-electric and net zero energy new construction, respectively. I calculate that the Village's 320 apartments will put over 2,000 metric tons CO2 equivalent emissions into the atmosphere each year, just from gas combustion. Only about one-fifth of that damage will be offset by reduced gasoline consumption resulting from converting commuters to residents.

Fossil fuels may be a novel variance consideration, but we're in a climate emergency.

5. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.

The variance request is entirely based on self-imposed conditions and circumstances. The petitioner is only offering a partial plan for the site, when it will soon present a full plan that will be compliant with R4A zoning.

Respectfully,
Ken Garber
28 Haverhill Ct.
(734) 741-0134 phone