

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV-2021-02031
Application Name: Windsor Industrial
Control No./Name: 2003-00020 / Stuart Ledis
Applicant(s): 6562 Belvedere Llc
Owner(s): 6562 Belvedere LLC
Agent(s): Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Imene Haddad, Senior Site Planner
Donna Adelsperger, Site Planner II

TITLE: a Type 2 Variance **REQUEST:** to allow a reduction in lot depth

APPLICATION SUMMARY: The proposed request is for the 2.55-acre Windsor Industrial development. The site had a previous approval by the Board of County Commissioners (BCC) on August 23, 2007 for a rezoning and conditional use approval for a Convenience Store with gas sales.

The request is to allow a reduction in the lot depth from 200 feet to approximately 173.80 feet. This request, if approved, would allow the parcel to move forward with requests to modify the land use from Commercial Low (CL) to Industrial (IND) and to rezone from Community Commercial (CC) to the Light Industrial (IL) Zoning District, through subsequent applications SCA-2022-00015 and ZV/ABN/Z-2021-1863. These requests would allow for the development of a warehouse use.

SITE DATA:

Location:	Southwest corner of Old Belvedere Road and Jog Road
Property Control Number(s)	00-42-43-27-05-005-0051 and 00-42-43-27-05-005-0054
Existing Land Use Designation:	Commercial Low, with an underlying LR-2 (CL/2)
Proposed Land Use Designation:	Industrial, with an underlying LR-2 (IND/2)
Existing Zoning District:	Community Commercial District (CC)
Proposed Zoning District:	Light Industrial (IL)
Acreage:	2.55 acres
Tier:	Urban/Suburban
Overlay District:	Palm Beach International Airport Overlay and Turnpike Aquifer Protection Overlay District
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Haverhill, West Palm Beach
Commission District:	District 2, Vice Mayor Greg K. Weiss

STAFF RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contact from the public regarding this project.

PROJECT HISTORY: On January 27, 1977 the BCC approved Petition Z-1977-001 by Resolution R-1977-0136 to allow a rezoning from the Agricultural (AG) Zoning District to the Residential Single Family (RS) Zoning District.

On January 5, 2007, the ZC approved Zoning Application ZV-2006-1748 by Resolution ZR-2007-004 to allow a variance from the minimum lot depth.

On August 27, 2007 the Board of County Commissioners (BCC) approved a Small scale Land Use Amendment (SCA-2007-00004 Belvedere/Jog Commercial SW) by Ordinance ORD No. 2007-014 to change the FLU from Low Residential, two units per acre (LR-2) to Commercial Low, with an underlying Low Residential two units per acre (CL/2). The BCC also approved two Zoning requests under Zoning Application Z/CA-2006-01818 by Resolutions R-2007-1442 to allow an Official Zoning Map Amendment from the Residential Single Family (RS) Zoning District to the Community Commercial (CC) Zoning District and a Class A Conditional Use, through R-2007-1443, to allow a Convenience Store with Gas Sales.

SURROUNDING LAND USES:

NORTH:
FLU Designation: Industrial (IND)
Zoning District: Planned Industrial Park Development District (PIPD)
Supporting: Industrial (Turnpike Crossing East PIPD, Control No 2005-00456)

SOUTH:
FLU Designation: Low Residential (LR-2)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Institutional, Public and Civic (Johnson PUD, Control No 2001-00076)

EAST:
FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential District (RS)
Supporting: Institutional, Public and Civic (Life Church, Control No 2000-00027)

WEST:
FLU Designation: Low Residential (LR-2)
Zoning District: Agricultural Residential District (AR)
Supporting: Agriculture and Residential

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
3.D.1.A Lot Depth	200 feet	173.80 feet	26.20 feet

FINDINGS:

Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:**

Yes. There are special conditions and circumstances exist that are peculiar to the parcel of land. The variance for lot depth is requested due to the widening of the adjacent roadways of Belvedere and Jog Roads. The prior Applicant dedicated large land area adjacent to the subject property through the eminent domain process to accommodate the expansion of the street right-of-way and for storm-water retention for Belvedere Road. As a result of this, the subject property's historic access onto Old Belvedere Road is also being limited and any redevelopment of the property will be restricted to Jog Road only. The Applicant stated that they had proposed access from Old Belvedere Road, but do to the location that location was not approved, and access from Jog was the allowable point.

b. **Special circumstances and conditions do not result from the actions of the Applicant:**

Yes. Lot frontage/width and depth are the same for the majority commercial and industrial zoning districts. Although the Applicant is requesting to modify the future land use to IND, compliance with lot depth is applicable to the current district as well as other commercial or industrial districts. The dedication of land for the reconfiguration of Belvedere and Jog was not a condition created by the action of the Applicant, but part of the Plan related to the management of the County's Transportation and Roadway System.

Staff has also considered that the road expansion at the intersection of Belvedere and Jog Roads has created a special circumstance that is not a result from the actions of the Applicant.

c. **Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:**

Yes. The request for the reduction of lot depth would not confer any special privileges to the Applicant that would not be available to other parcels in the same district. This parcel in its configuration is unique. The previous dedication of land for right of way, creates the same reduced lot depth in other commercial zoning districts and industrial districts. Previous variance was granted for the current commercial district, because it could not meet the same lot depth dimension. Although the Applicant is proposing to modify the zoning and land use, compliance with the other property development regulations would be required when redeveloping the site with commercial or industrial uses.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:

Yes. As stated above, the size of this 2.55-acre site was reduced to accommodate the right-of-way expansion and reconfiguration of Belvedere and Jog Roads, even though the site remains at the intersection of these two roads. The property's historic access onto Belvedere Road is restricted, and further burdened by the location of an existing LWDD Canal which abuts the north property line of the site, therefore any redevelopment of the site will require access onto Jog Road. Although the site has an underlying residential future land use, development or residential at this time, based on the surrounding area, and lot size would limit the maximum number of units to 5.

Use of the land as commercial or industrial would require the same variance for lot depth. The Applicant's use of the land whether commercial or industrial, still requires compliance with the other land development regulations.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:

Yes. Allowing the reduction of 26.20 feet from the lot depth requirement is the minimum variance that the Applicant would need to redevelop this site for commercial or industrial uses. The 2.55-acre site is a rectangular parcel with a LWDD canal and Belvedere Road located to its north, access to the site is currently limited to Jog Road (which is on its east side). Pursuant to the ULDC, the frontage of a property is determined by where the legal access is located, and in this case, the property will be fronting onto Jog Road. If the site remains as the Community Commercial Zoning District then the site will meet the minimum lot depth as the prior variance request was approved. However, the request to modify the FLU and Zoning Applicant does not eliminate the same need to request a variance from the lot depth. Use of this property with a reduced depth, would be evaluated when the request to develop the site is requested and indicates compliance with other land development regulations.

f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

Yes. As demonstrated in the Applicant's justification statement, the requested variance is consistent with the purposes, objectives and policies of the Comprehensive Plan and the ULDC. The reduction of the lot depth is required in order to allow the development of the site for commercial or industrial uses. as both have the same 200 foot lot depth requirement. Although the site has and will have an underlying residential FLU, development of residential at this time, would not be consistent with area unless there was some aggregation of land area.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Yes. The requested variance will not be injurious and detrimental to the adjacent uses in the vicinity. The site is located at the southwest corner of Belvedere and Jog Roads. A previous variance was for lot depth was granted in order to rezone to the CC Zoning District. Granting the variance would not be injurious to the area, as development of the site would be evaluated for compliance with other land development regulations.

CONCLUSION: Staff has determined that granting this variance request for the reduction of lot depth would allow the Applicant to proceed with the two concurrent applications for a Future Land Use Amendment and rezoning to change the site's Commercial Low underlying Low Residential 2 (CL/2) land use designation and Community Commercial (CC) Zoning District to the Industrial with underlying Low Residential 2 (IND/2) Future Land Use designation and a Light Industrial (IL) Zoning District. With the variance approval of reducing lot depth to 173.8 feet (average from midpoint of front and rear property lines), the site would be able to meet the property development regulations for the IL district subject to the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Type 2 Variance - Standalone

ALL PETITIONS

1. The Development Order for this Standalone Variance shall be tied to the following:

A. Time Limitation

- 1) If the Future Land Use and Rezoning applications, contained in applications SCA-2022-00015 and ZV/ABN/Z-2021-01863 are denied, this variance shall be null and void.
- 2) If the Future Land Use and Rezoning applications are approved, prior to July 8, 2023, the Applicant shall receive approval of a plat or subdivision plan. (DATE/DRO: Zoning-Zoning/Engineering)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO/ONGOING: ZONING - Zoning)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning)

4. The approved Boundary Survey is dated December 06, 2021. Modifications to this Development Order inconsistent with the Conditions of Approval, or modifications to the lot frontage that go beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 – Future Land Use Map

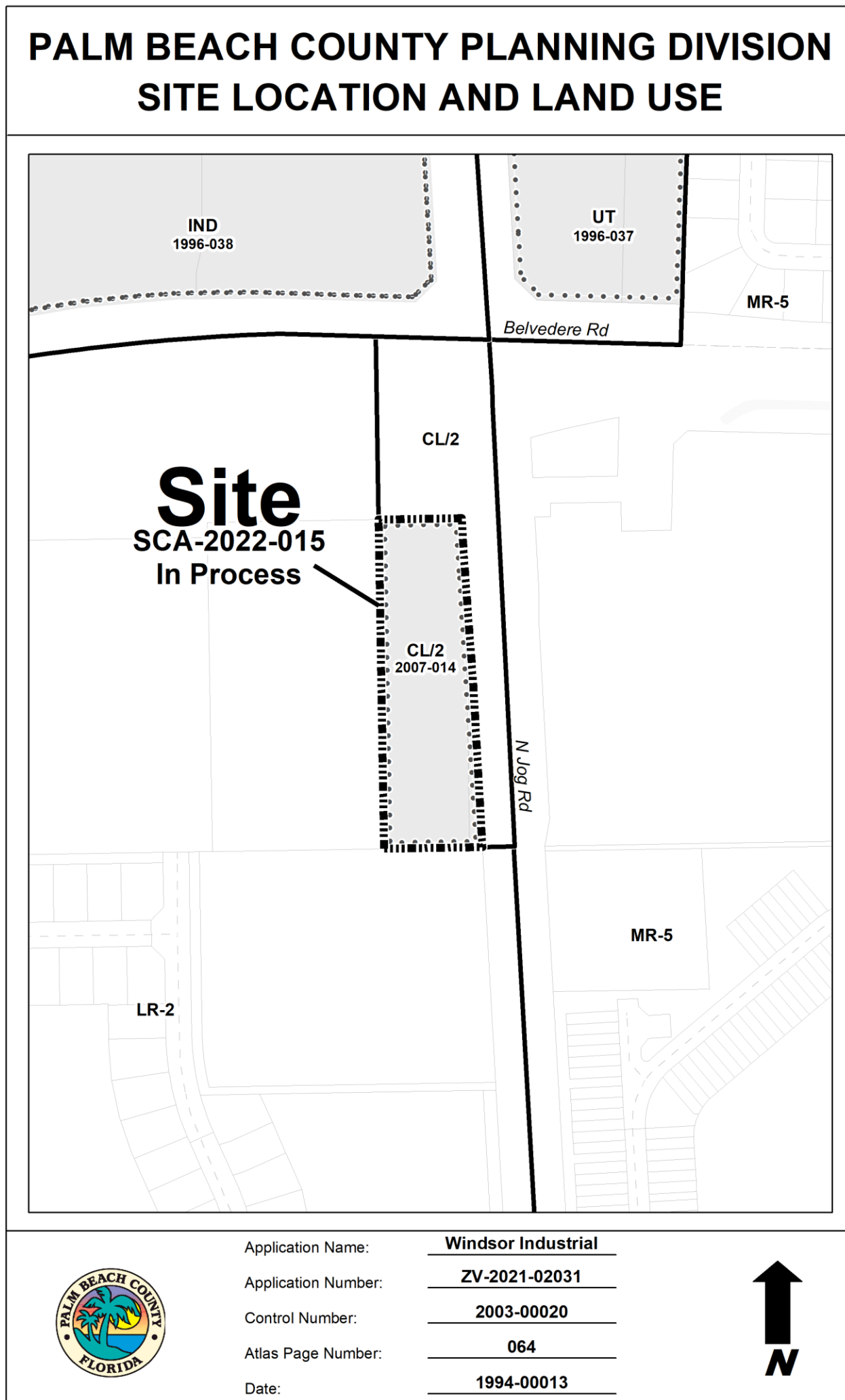


Figure 2 – Zoning



Figure 3 – Aerial



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Shawn Chemtov, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the ☐ Individual or ☒ President [position - e.g., president, partner, trustee] of 6562 Belvedere LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 11410 S.W. 95th Avenue
Miami, FL 33176
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


 Shawn Chemtov, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of October, 2021 by Shawn Chemtov (name of person acknowledging). He is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Alicia Cabrera
 (Name - type, stamp or print clearly)

Alicia Cabrera
 (Signature)

My Commission Expires on: 7-1-25

NOTARY'S SEAL OR STAMP

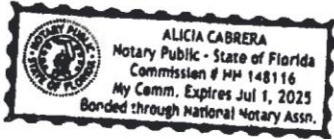


EXHIBIT "A"**PROPERTY**

A PORTION OF THE EAST HALF OF TRACT 5, BLOCK 5, "PALM BEACH FARMS COMPANY PLAT No. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "R", "TERRACINA TRACT "R-1" REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 117 OF SAID PUBLIC RECORDS, SAID POINT BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD WITH THE SOUTH LINE OF SAID TRACT 5; THENCE SOUTH 89°03'03" WEST ALONG SAID SOUTH LINE, ALSO BEING THE NORTH LINE OF SAID TRACT "R" 189.17 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID TRACT 5; THENCE NORTH 00°56'57" WEST ALONG THE WEST LINE OF THE EAST HALF OF SAID TRACT 5 FOR 633.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL; THENCE NORTH 89°03'03" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 159.93 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) SOUTH 03°13'49" EAST 76.91 FEET; 2) SOUTH 04°08'49" EAST 36.00 FEET; 3) SOUTH 04°08'46" EAST 213.94; 4) SOUTH 03°13'49" EAST 307.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 111,052 SQUARE FEET (2.5494 ACRES), MORE OR LESS.

DEED LEGAL:**PARCEL 1:**

THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF TRACT 5, BLOCK 5, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 26 FEET THEREOF AS CONVEYED IN DEED BOOK 67, PAGE 412.

PARCEL 2:

THE EAST QUARTER (E 1/4) OF TRACT 5, BLOCK 5, LYING WEST OF THE JOG ROAD RIGHT-OF-WAY, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Shawn Chemtov	11410 S.W. 95th Avenue, Miami, FL 33176 100%

**Justification Statement
Windsor Industrial
Palm Beach County (PBC)
Type II Variance (Standalone) Submittal
Original Submittal: December 6, 2021**

Request

On behalf of the ~~Applicant~~Applicant, 6562 Belvedere LLC, (“~~Applicant~~Applicant”), Schmidt Nichols respectfully requests your consideration for a, Type 2 Variance (Standalone) for the project known as Windsor Industrial. The 2.55-acre (2.44-acres per L.W.D.D dedication) subject property (PCNs: 00-42-43-27-05-005-0051, 00-42-43-27-05-005-0054) is comprised of two parcels and generally located on the southwest corner of Old Belvedere Road and Jog Road in unincorporated Palm Beach County (“subject property”). The proposed plan of development is a 43,575 s.f. warehouse building inclusive of 4,358 s.f. (10%) of accessory office with a project build-out of 2025. Site access is proposed via two (2) right-in, right-out driveway connections to Jog Road.

Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low, with an Underlying LR-2 (CL/2) and falls within the Urban/Suburban (U/S) Tier according to the Growth Management Tier System Maps outlined in the Comprehensive Plan Future Land Use Element. The subject parcel is currently within the Community Commercial (CC) Zoning District.

The ~~applicant~~Applicant requests consideration of the following applications:

Request 1: Standalone Type 2 Variance for a 40.07’ reduction from the minimum 200’ lot depth

Concurrent Applications:

- Small Scale LUPA from Commercial Low, with an Underlying LR-2 (CL/2) to Industrial, with an Underlying LR-2 (IND/2) that will be submitted to the Planning Division on November 9, 2021.
- Rezoning Application from Community Commercial (CC) to Limited Industrial (IL) District on 2.55 acres
- Development Order Abandonment (ABN) of Resolution No. R-2007-1443, which allowed a Class A Conditional Use to allow a convenience store with gas sales
- Type 2 Variance for a 15’ front setback reduction
- Type I Waiver to reduce the loading space depth from 55' to 24' for the proposed loading spaces
- Type I Landscape Waiver for a 50 percent relocation of the required foundation planting along the west building façade to the north and south facades



Site Aerial

The subject property is located within the Palm Beach International Airport Overlay (PBIAO), Turnpike Aquifer Protection Overlay (TAPO), and the Jog Road Corridor Study (JRCS).

Below is a summary of surrounding properties:


Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Warehouse	IND/2	IL
North	Warehouse, Wholesaling, General, Distribution, Manufacturing & Processing (Turnpike Crossing East PIPD)	IND	PIPD
South	Government Services	LR-2	PUD
East	Place of Worship	MR-5	RS
West	Commercial Nursery	LR-2	AR

History

- **September 11, 2007** - The Board of County Commissioners approved a Class A Conditional Use to allow a convenience store with gas sales

Request 1: Standalone Type II Variance Request:

Per Unified Land Development Code (ULDC) Art.2.B.7.E.6, Standards for Zoning or Subdivision Variance, The ZC shall consider and find that all seven criteria listed below have been satisfied by the ApplicantApplicant prior to making a motion for approval, of a zoning or subdivision variance:

STANDALONE TYPE 2 ZONING VARIANCE					
	ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE	APPROVAL DATE/RESOLUTION
	Table 3.D.1.A	200'	159.93'	To allow a variance for a 40.07' lot depth reduction	TBD
	IL Property Development Regulations - Lot Depth				

VIII. VARIANCE INFORMATION:

The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

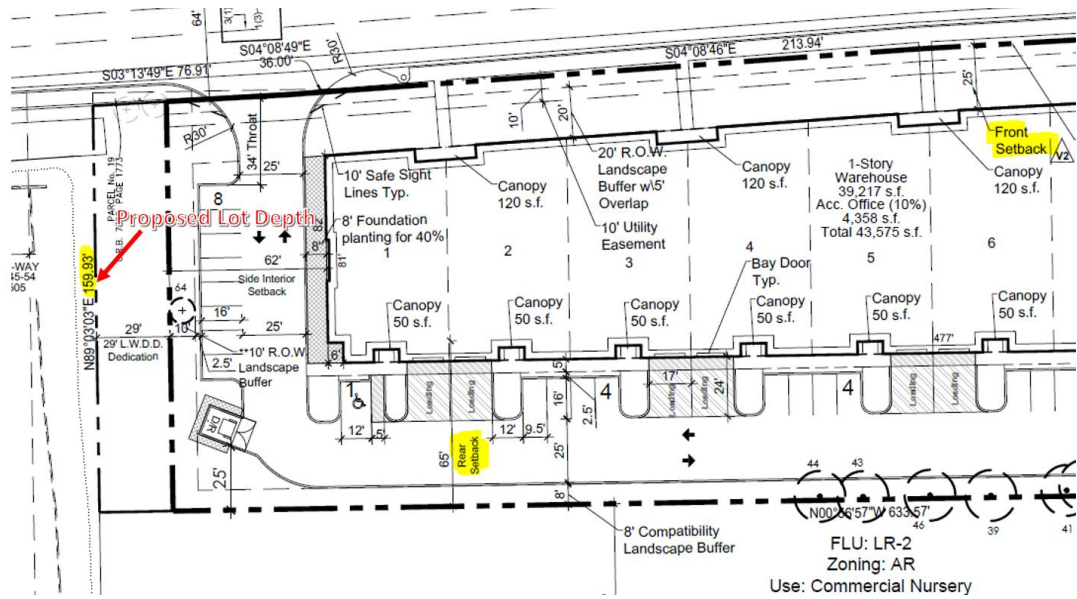
TYPE II VARIANCE SEVEN (7) STANDARDS

A. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.

Furthermore,

V1: Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district. The parcel has a unique lot configuration, and while it has frontage on N Jog Road, the unique configuration directly impacts the lot depth of the parcel. The ~~applicant~~Applicant previously proposed an access point from Old Belvedere Road, which would have served as the front setback and would have removed the need for the proposed lot depth reduction variance, however the County informed the ~~applicant~~Applicant that proposing access solely on Jog Road creates a more safe, efficient circulation for vehicle ingress and egress. The ~~Applicant~~Applicant is requesting to reduce the required lot depth from 200 feet to 159.93 feet. The diagram below illustrates the proposed 159.93 lot depth.



B. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE ~~APPLICANT~~APPLICANT:

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the ~~applicant~~Applicant.

Furthermore,

V1: Special circumstances and conditions do not result from the actions of the ~~Applicant~~Applicant. The conditions by which the setbacks are created are based on the unique configuration of the subject site and widening of Jog Road over the course of time, which directly impacts the required lot depth of the parcel. Because of this, the proposed lot depth variance is required.

C. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE ~~APPLICANT~~APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: Granting the variance will not confer any special privilege upon the ~~applicant~~Applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

V1: Granting the variance shall not confer upon the ~~Applicant~~Applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district. The proposed variance would be expected to be granted on similar properties with adjacent properties supporting the same uses.

D. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE ~~APPLICANT~~APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE: Literal interpretation and enforcement of the terms and provisions of this code would deprive the ~~applicant~~Applicant of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship.

Furthermore,

V1: Literal interpretation and enforcement of the terms and provisions of this code would deprive the ~~Applicant~~Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. The literal interpretation of the Code would require the subject site to maintain a minimum 200' lot depth.

E. GRANTING THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

V1: Granting of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. The granting of the lot depth reduction variance is the minimum needed to make reasonable use of the property.

F. GRANTING THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

V1: Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code. The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site.

G. GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

V1: The proposed variance will not be injurious to the area involved or detrimental to the public welfare. The proposed variance will not be injurious to the surrounding properties as they are generally industrial in nature. The proposed variance will not be injurious to the area involved or detrimental to the public welfare.

On behalf of the Applicant, 6562 Belvedere LLC, Schmidt Nichols respectfully requests your approval of the Type 2 Variance (Standalone) application for Windsor Industrial.

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