

CLASS II ADJUSTMENT – INTERIOR SIDE YARDS

For: To remove a 5ft interior side yard setback for an existing shared vehicle use area that straddles an existing property line does not meet SRC Chapter 550, Tables 550-4 and 550-5.

A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent. Since we are proposing to keep the existing permitted shared vehicle use area that straddles an existing lot line this requires a Class II Adjustment.

Below is the Criteria in italics, followed by the applicants response.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or*
- (ii) Equally or better met by the proposed development.*

Applicants Response. The purpose of the underlying specific development standard for the adjustment is clearly inapplicable to the proposed development. The standard is clearly not applicable otherwise industrial complexes that share a property line would be effectively be outlawed. In addition, since we have 5ft vehicle use area setbacks where there are applicable, the specific standard is equally of better met by the proposed development.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Applicants Response. This project is not located in a residential zone therefore it is not applicable.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Applicants Response. This project is requesting one adjustment, one Class II for removing the 5 ft side yard requirement down an existing shared access. The Class II requiring the removal of the side yard setback clearly is not applicable to the proposed development, otherwise partitions on industrial zoned property would effectively be outlawed. Therefore, the combination of this single adjustments is consistent with the zone.