



TOWN OF IRMO BOARD OF ZONING APPEALS

Agenda

Monday, September 18, 2023, at 6:00 p.m.

Municipal Building

7300 Woodrow Street | Phone: 803.781.7050

- I. Call to Order
- II. Approval of Agenda
- III. Minutes
 - a. Approval of the minutes of the April 17, 2023 Board of Zoning Appeals meeting
- IV. New Business
 - a. Consideration of a variance to parking requirements for a proposed development located at 1517 Lake Murray Blvd, TMS 001919-01-004
- V. Comments
- VI. Adjournment

In compliance with the FOIA, a copy of the agenda was provided to the local news media and persons requesting information.

THE IRMO ZONING BOARD OF APPEALS
HEARING MINUTES
Tuesday, April 17,2023

In compliance with the Freedom of Information Act, a copy of the agenda was provided to the local news media and persons requesting information on April 14, 2023.

MEMBERS PRESENT

Marsha Clarke - Chair
Arthur McClain - Vice Chair
John Davis
Sharon Slashinski
Labrina Myers

OTHERS PRESENT

Courtney Dennis, Town Administrator
Doug Polen, Assistant Town Administrator
Karley Lever, Zoning Clerk

CALL TO ORDER

The Irmo Zoning Board of Appeals held a hearing on Tuesday, April 17, 2023, in the Irmo Municipal Building located at 7300 Woodrow St, Irmo, SC 29063. Marsha Clarke called the meeting to order at 5:59 p.m.

APPROVAL OF MINUTES: October 17, 2022

Arthur McClain made a motion for approval. Sharon Slashinski seconded. The vote to approve was 5-0.

NEW BUSINESS

A. Elect 2023 Chair

Sharon Slashinski nominated Marsha Clarke to serve again as the ZBA chair, Labrina Myers seconded. The vote to approve was 5-0. Marsha Clark, made a motion to nominate Arthur McClain as the Vice Chair. Sharon Slashinski then seconded. Motion carried 5-0

B. Consider a special exception and variance for a property seeking to be permitted as a mini warehouse. The property is located at 10616 Broad River Rd, TMS R03300-03-15.

Brad Brodie, the property owner, presented to the Zoning Board of Appeals the project - a multi-level self-storage facility on the 4.15 acres of land next to San Jose Mexican Restaurant on Broad River Road. The ZBA board was concerned about the traffic pattern and the fact that there is only one entrance; and with the handicap parking being so close to that side of the entrance could potentially be hazardous. Traffic patterns are extremely busy in that area already. DOT is only allowing one entrance onto the

property; Mr. Brodie explained that it would be hard to make turns in out if they moved the handicap parking. It must meet DOT throat requirements of 30ft if it was moved, and they wouldn't meet that requirement. They also wanted it to be as close to the office as possible. The builder explained this is one of the most minimum traffic businesses. It is very low traffic flow coming in and out. The business would only operate the hours of 6:00 am - 9:00 pm. All storage would be inside the building, no outside storage. This would be a very low traffic business.

Ms. Clarke asked about the maintenance of the gravel road; the builder explained that the road wouldn't be used for business; the gravel road is a private drive for residents who live to the rear of the property. Mr. Brodie has been trying to contact the residents that lived on that road due to water flow and drainage going on the adjacent dirt road drive that is directly beside the property. Unfortunately, he hasn't had any luck contacting the residents. Mr. Brodie would like to clean out the culverts which are clogged and no longer working. Very small existing water will go to their culverts; and they have a right to the easement for their property. The amount of runoff water is extremely bad, and the architect stated that the amount of water they will see will be 8 times less when they finish replacing the pipes. An easement will be done to help flow water to the retention pond coming off the right side of the property. Ms. Clarke wondering what they are going to offer to prove what they are going to do about the back of the property flooding. Builders and architects are following DHEC and Richland country storm water requirements.

Marsha Clarke asked for a motion to approve the applicant application as submitted. Motion was not seconded.

Courtney Dennis, Town Administrator, gave a little clarification on how we usually process a zoning application. We will not issue a zoning permit until we have a storm water permit from the County. This project is in the early stage, and zoning permits would not take place until we have storm water permit. An irrigation plan and landscape plans are usually not submitted until early stages of construction and usually comes from the landscaper. We ask them to put those plans that are submitted. Once construction is done, we then have a final inspection to make sure the work meets all requirements. The frustration of traffic is being communicated with SCDOT. They don't seem concerned about the development. Currently, they don't think it is necessary to hold off on development in the area or add in left hand turns.

Mr. McClain made a motion to approve the applicant plans recommended by staff, Mr. Davis seconded. The vote to approve was 5-0.

ADJOURNMENT

There being no further business. Ms. Clarke concludes this meeting adjourned; the meeting was adjourned at 6:45pm.

ATTEST:

Karley Lever / Zoning Clerk

Marsha Clarke / Chair



Staff Report

Variance Request

DATES: September 18, 2023
TO: Irmo Board of Zoning Appeals
FROM: Douglas Polen, Assistant Town Administrator
SUBJECT: Variance Request
**SUBJECT
PROPERTY:** A 3.07-acre tract located at 1517 Lake Murray Drive, TMS 001919-01-004
**ACTION
REQUESTED:** Consider a variance to parking for the development

Background

The Town has been working with Big Blue Marble Academy for approximately a year to locate a daycare and drive-through coffee shop on the subject property. The Planning Commission approved the site plan at their December 5, 2022 meeting.

Since that time, the applicant has decided to split the lot into two, with the BBMA daycare on one lot and a drive-thru coffee shop on the second lot.

Moreover, the applicant is seeking to reduce the required parking on the lots, as they are more spots than the users require and the applicant's belief that the Town's requirements for parking are too high.

As this site plan has been approved by the Planning Commission, Staff feels that any variance from the approved plan will need approval from the Board of Zoning Appeals.

Analysis

The site features two businesses, a 12,200 sf daycare and an 850 sf drive-thru coffee shop. Per Staff's interpretation of the Zoning Ordinance at the time of the Planning Commission meeting, this resulted in 64 required parking spaces.

- Big Blue Marble: 12,200 sf @ 1 spot per 200 sf = 61 required spaces

- Coffee Shop: 850 sf @ 1 spot per 350 sf = 3 spaces
- $61+3 = 64$ required spaces total

Since the time of the Planning Commission meeting in December, 2022, Staff has changed and the opinion on what is required has fluctuated. The issue arises from the fact that “daycare” is not a listed use in the Zoning Ordinance, and the Ordinance furthermore states that the North American Industrial Classification System (NAICS) code is to be used to help determine where uses are allowed and what the parking allowance should be.

For daycares, Staff used a ratio of 1 space per 200 sf gross floor area, which is the required amount for “Social Assistance,” a catch-all term for child, senior, and family services.

Other localities have much lower requirements. Here are four local daycare parking regulations, plus what would be required of BBMA at that standard (in parentheses):

- City of Columbia: 1 space per 10 children (30 spaces)
- City of Lexington: 1 space per 350 sf (35 spaces)
- Lexington County: 1 space per 350 sf (35 spaces)
- Richland County: 1 space per employee & 1 space per 10 children (40 spaces)

Staff Findings

Staff feels that the 1 space/200 sf requirement is excessive in light of the applicant’s stated needs and the codes of nearby cities and counties. Staff recommends a minimum requirement of 44 spaces for the entire development.

Big Blue Marble Academy Variance

Board of Zoning Appeals | September 18, 2023



NOTES:

1. TMS# 001919-01-004
2. 3.07 TOTAL ACRES
3. NO WETLANDS OR FLOODPLAIN ON SITE.
4. BUILDING & UNIT COUNT:
 - BIG BLUE MARBLE ACADEMY
 - COFFEE SHOP

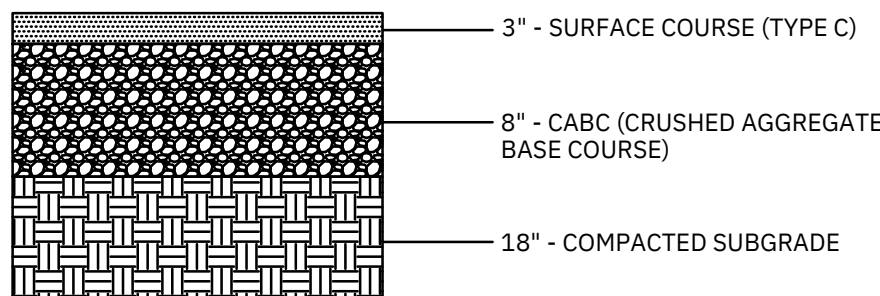
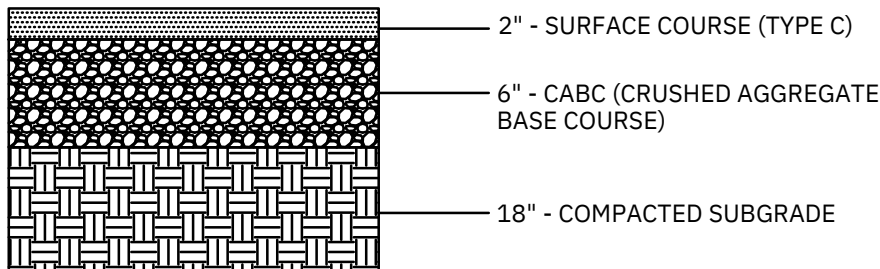
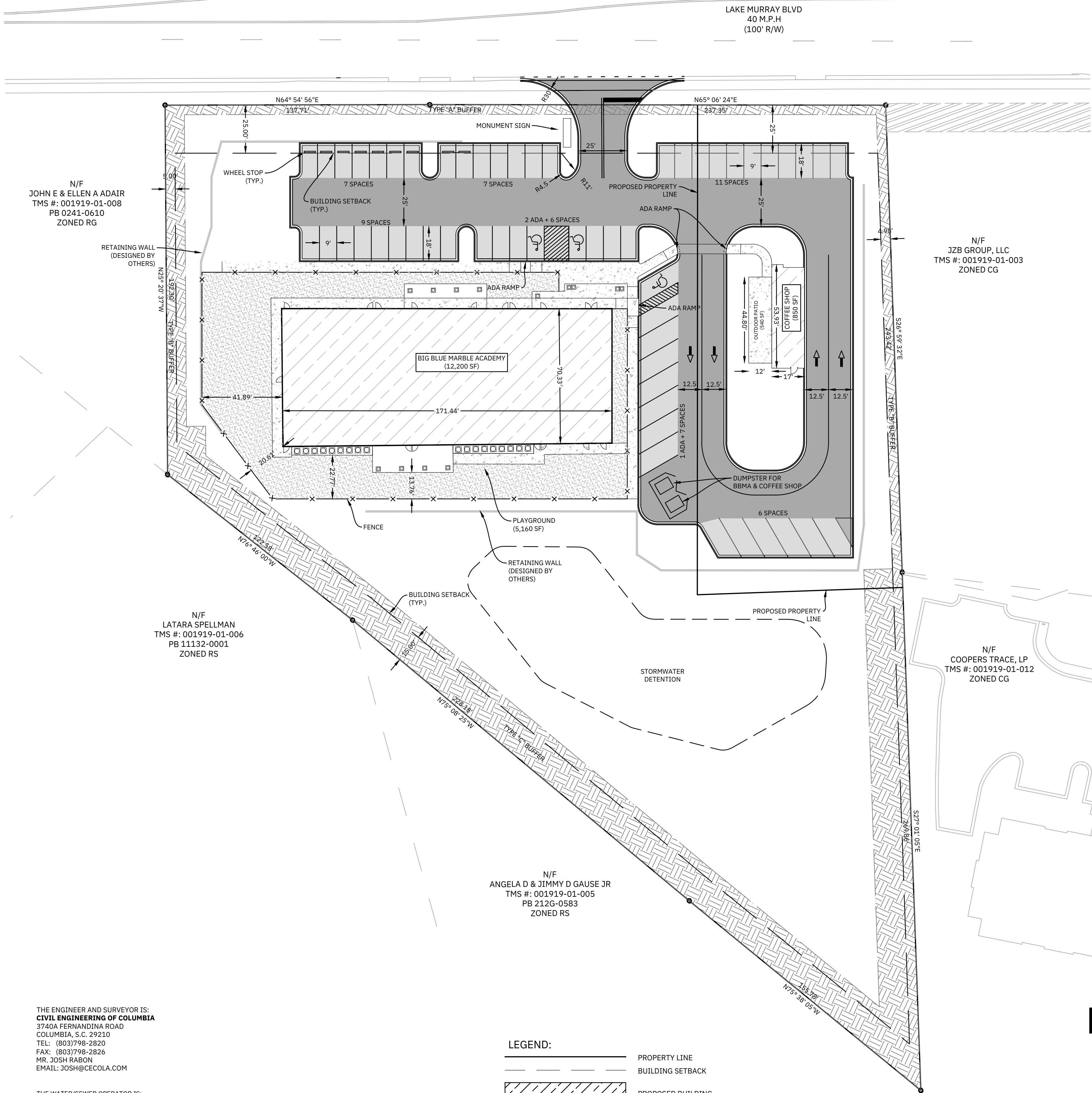
PARKING COUNT CALCULATIONS:

REQUIRED SPACES:

- BBMA: 12,200 S.F. @ 1 SPOT PER 200 S.F. (TOWN OF IRMO REQUIREMENTS FOR SOCIAL ASSISTANCE) = 61 REQUIRED SPOTS
 - COFFEE SHOP: 850 S.F. @ 1 SPOT PER 350 S.F. (TOWN OF IRMO REQUIREMENTS FOR SMALL SCALE FOOD PRODUCTION) = 3 REQUIRED SPOTS
- 64 TOTAL REQUIRED SPOTS

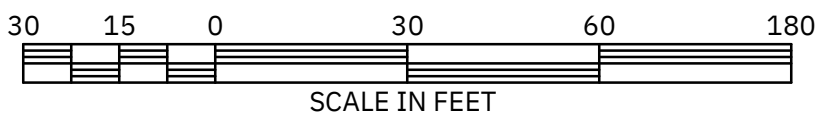
PROVIDED SPACES:

- 56 TOTAL SPACES PROVIDED
- INCLUDING 3 ADA SPACES WITH 1 VAN ACCESSIBLE



BIG BLUE MARBLE ACADEMY

IRMO, SOUTH CAROLINA



CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING UNDERGROUND UTILITIES (HORIZONTAL & VERTICAL) PRIOR TO CONSTRUCTION (INCLUDING BUT NOT LIMITED TO: GAS LINES, WATER LINES, SEWER LINES, ELECTRICAL AND TELECOMMUNICATION LINES, AND FIBER OPTIC CABLES.) CALL PALMETTO UTILITY PROTECTION SERVICE AT: 811 AT LEAST 3 DAYS BEFORE CONSTRUCTION. UNLESS STATED OTHERWISE IN CONTRACT WITH OWNER, THE CONTRACTOR SHALL INCLUDE ANY UTILITY RELOCATION COSTS IN HIS ORIGINAL AGREEMENT WITH THE OWNER.

THESE PLANS AND DETAILS ARE INTENDED TO SHOW MINIMUM REQUIREMENTS, MEASURES, AND METHODS TO RESTRICT RUNOFF AND CONTROL EROSION. ADDITIONAL MEASURES MAY BE NECESSARY. THE CONTRACTORS AND ANY SUBCONTRACTORS SHALL BE AWARE THAT UNKNOWN CONDITIONS OR UNFORESEEN OCCURRENCES MAY REQUIRE IMMEDIATE ACTION TO PROTECT THE SITE AND DOWNSTREAM PROPERTIES. NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF SUCH A CONDITION OR OCCURRENCE IS KNOWN TO EXIST OR ARISE. FIELD DETERMINED TEMPORARY DIVERSIONS, BARRIERS AND/OR DITCHES SHALL BE CONSTRUCTED, WHERE NECESSARY, TO PROTECT AREAS FROM UPSLOPE RUNOFF AND/OR TO DIVERT SEDIMENT AND/OR RUNOFF TO APPROPRIATE TREATMENT AREAS OR STABLE OUTLETS. THE CONTRACTOR SHALL CONFIRM POSITIVE DRAINAGE TO PROPOSED DRAINAGE STRUCTURES TO ENSURE THAT PONDING DOES NOT OCCUR. THIS PERTAINS TO PAVED AND UNPAVED AREAS. SLOPES TO STRUCTURES SHALL NOT BE EXTREME AND SHALL BE SUITABLE FOR THE INTENDED USE. STORM DRAINAGE PIPES SHALL HAVE A MINIMUM OF ONE FOOT OF COVER.

THE OWNER IS:
EIG141 BBMA SC IRMO LLC
1695 TWELVE MILE ROAD, SUITE 100
BERKLEY, MI 48072
TEL: 248-817-1691
ATTN: REED FENTON
EMAIL: SAMANTHA@814CRE.COM

THE STORMWATER OPERATOR IS:
LEXINGTON COUNTY COMMUNITY DEVELOPMENT
LEXINGTON, S.C. 29072
212 SOUTH LAKE DRIVE
TEL: (803)-784-8201
FAX: 803-785-5893
ATTN: MR. MATTHEW ROLAND
EMAIL: MROLAND@LEX-CO.COM

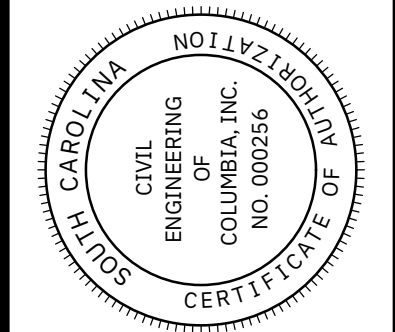
THE ENGINEER AND SURVEYOR IS:
CIVIL ENGINEERING OF COLUMBIA
3740A FERNANDINA ROAD
COLUMBIA, S.C. 29210
TEL: (803)798-2820
FAX: (803)798-2826
MR. JOSH RADON
EMAIL: JOSH@CECOLA.COM

THE WATER/SEWER OPERATOR IS:
THE CITY OF COLUMBIA
COLUMBIA, S.C. 29201
1136 WASHINGTON STREET
TEL: (803) 545-3400
FAX: (803) 733-8674
ATTN: MR. SCOTT ROGERS
EMAIL: MICHAEL.ROGERS@COLUMBIASC.GOV

LEGEND:

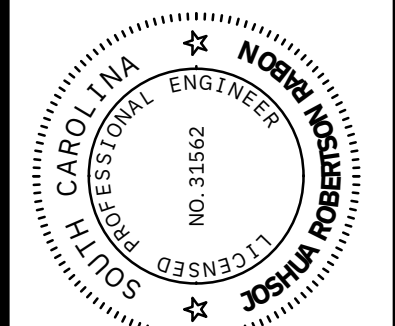
- PROPERTY LINE
- BUILDING SETBACK
- PROPOSED BUILDING
- PROPOSED HEAVY ASPHALT PAVEMENT
- PROPOSED LIGHT ASPHALT PAVEMENT

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THE PRODUCT ON THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT FOR THE PROJECT AND SITE SHOWN. NO OTHER PERSON WITHOUT WRITTEN PERMISSION FROM THE DESIGN ENGINEER, IS STRICTLY PROHIBITED. ANY CERTIFICATIONS, WARRANTIES, OR CONDITIONS OF ANY KIND, INCLUDING LIABILITY, FOR THE PROJECT ARE INTENDED TO EXPRESS THE STANDARD AND QUALITY OF THE DESIGN AND PREPARATION OF THESE DOCUMENTS.

CIVIL ENGINEERING of COLUMBIA
3740A FERNANDINA ROAD COLUMBIA, SC 29210
TEL (803) 798-2820 FAX (803) 798-2826



SITE PLAN		JOB NUMBER	
SCALE 1" = 30'	DATE 01/12/23	22100	
DRAWN BPD	DESIGNED BPD	CHECKED BY:	
EIG141 BBMA SC IRMO LLC BERKLEY, MI		DRAWING NUMBER 3 OF 15	

Variance Application

Print

Submitted by: Mark Kellenberger

Submitted On: 2023-08-21 13:57:14

Submission IP: (96.66.24.169)
proxy-IP (raw-IP)

Status: Open

Priority: Normal

Assigned To: Karley Lever

Due Date: Open

Attachments

- [2023.08.21 ZBA Site Plan.pdf](#) - 2023-08-21 01:57:15 pm



FORMS & APPLICATIONS

7300 Woodrow Street, Irmo, SC 29063

p: [\(803\) 781-7050](tel:(803)781-7050) | info@townofirmosc.com | Follow Us [@TownofIrmoSC](#)

Variance Application

Complete and submit the application and attachments. If the applicant is not the owner(s), the owner(s) must complete and sign the **Designation of Agent. Staff cannot place this application on the agenda if it is incomplete and/or without the appropriate supporting documentation.** Submit a digital and hardcopy site plan, and any additional materials (i.e. photographs, elevation drawing with dimensions, or renderings). Site plans must be no longer than 24" x 36". **The site plan must be designed by a registered land surveyor, landscape architect, or engineer.**

For questions, please contact **Business Licensing & Zoning.**

STANDARDS FOR GRANTING VARIANCES

The applicant must provide sufficient evidence to support an unnecessary hardship. A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of "unnecessary hardship," there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him.

The board has some discretion when deciding to grant or deny a variance. However, it is not free to make whatever determination appeals to its sense of justice. SC Code §6-29-800(A)2 states and explains the following variance criteria:

1. **Extraordinary/Exceptional conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to size, shape, topography, drainage, street widening, beachfront setback lines, or other conditions that make it difficult or impossible to make an economically feasible use of the property.
2. **Other property.** These conditions do not generally apply to other properties in the vicinity.
3. **Utilization.** Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. **Detriment.** The authorization of a variance will not be of substantial detriment to adjacent property owners to the public good, and the character of the district will not be harmed by granting the variance.

SC Code § 6-29-800(A)(2)d prescribes other factors:

1. **Use variance.**SC Code § 6-29-800(A)(2)(d)(i) states: The board may not grant a variance, the effect of which would allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.
2. **Conditions.** In granting a variance, the Board may attach conditions to it. These conditions may affect the location, character, or other features of the proposed building, structure, or use as the board may consider it advisable to protect established property values in the surrounding area or to promote public health, safety, or general welfare.

• • •

APPLICANT INFORMATION

* First Name

Mark

* Last Name

Kellenberger

* Phone

248-921-3733

* Email

mark@814cre.com

• • •

* Zoning District

CG

* Pertinent Ordinance Section

Article II Section 2-2 - Table 1

* Current property use:

☐ Residential

☒ Commercial

☐ Industrial

☐ Vacant Lot

* Area (sq/ft)/acre of proposed project:

3.07

* Describe the proposed project:

Construction of a childcare building and drive thru only coffee shop.

*** I/we hereby appeal the zoning official’s denialto the ZoningBoard ofAppeals for a variance from the applicable zoning provision (cite article and section)_____to permit the use of property in the manner shown on the attached scaled plot/site plan and/or above description.**

Article II Section 2-2 - Table 1 - to allow the child daycare use to have 53 parking spaces when the Town of Irmo requirement is 61 parking spaces (an 8 parking space variance)

Cite article and section.

The application of the ordinance is believed to result in unnecessary hardship, and the standards for a variance set by SC Code§6-29-800(A)2 and the ordinance are met by the following facts. Please describe in detail how you meet the below variance criteria.

*** There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:**

The requirement for 61 parking spaces for the childcare building is in excess of what is required by our tenants and is significantly more than required by other ordinances that we have developed under.

*** These conditions do not generally apply to other properties in the vicinity as shown by:**

Other uses seem to have generally compatible zoning requirements. Most other retail, office, or service uses have a requirement for 1/350 sq. ft. whereas, the standard for social assistance (which is was the Town has classified daycare as) is 1/200 sq. ft. To use the 1/350 sq. ft. parking standard would only require 35 parking spaces.

*** Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:**

We are requesting consideration to relieve the required parking demand for this project in order for it to move forward. The Town does not have a specific parking requirement for childcare therefore, we are being held to the standard for social assistance which has created a parking demand that is significantly more than required by our tenant.

*** The authorization of the variance will not be of substantial detriment to adjacent propertiesor to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:**

There will be a cross access cross parking agreement between the two users.

*** Indicate Supporting Documentation:**

- Scaled Site Plan (Required)
- Plat
- Photographs
- Elevation Drawings w/ Dimensions

If others, please describe:

*** Upload Supporting Documentation**

Choose File

No file chosen

The Upload Supporting Documentation field is required

• • •

I attest to the best of my knowledge the information and the attachment(s) provided are accurate. The proposed activity does not contradict any restrictions and covenants. I authorize the subject property, if applicable, to be posted with a notice for the Zoning Board of Appeals public hearing.

* Applicant First & Last Name	Date
Mark Kellenberger	08/21/2023

Format: MM/DD/YYYY