



16-107288

December 20, 2016

To: Board of Zoning Appeals  
From: District 1 Community Council Land Use Committee

Re: Variance request for 373 Ruth St - #16-107288

The District 1 Community Council Land Use Committee, on behalf of its Board of Directors, submits these comments in strong opposition to the variance request for Sunray Laundromat, LLC at 373 Ruth Street North.

The applicant has clearly stated in the application that the request is made solely for economic considerations. This statement alone should result in a denial of the request.

- 1) This variance is not in harmony with the general purpose and intent of the zoning code. This parcel was rezoned during the Gold Line Station Area Planning process in order to bring the zoning into harmony with the transit development that will occur adjacent to this site. The variance may have been in harmony generally with the old zoning designation if the small area plan from that time were not considered, but is in clear disharmony with the current zoning. The proposal is for an auto-oriented retail development, which would have been in disharmony with the SunRay-Suburban Small Area Plan as well, but the intent of the current zoning is to move the neighborhood towards a pedestrian and transit oriented and scaled environ with higher density development. This finding is clearly not met.
- 2) The variance is not consistent with the comprehensive plan. The applicant seems to believe that the plans referred to for this finding are the developer's plans for the site. In fact, this variance is not consistent with the City's Comprehensive Plan (LU1.20, 1.45, 1.47, 3.7), the Gold Line Station Area Plans\*, or the District 1 Community Council Community Plan (LU1.1, 1.3, 1.7, LU5.1). Each of these plans focuses on denser developments along transit corridors that make those corridors more pedestrian and transit friendly, and a part of this is an increase in the Floor Area Ratio. This finding is not met.
- 3) As stated above, the practical difficulties that the applicant has identified are solely based on economic considerations. The parking requirements the applicant states as an impediment could be dealt with through a variance request for a denser development – one that the neighborhood would be happy to support. This finding is not met.
- 4) The plight of the landowner is due to circumstances created by his own unwillingness to abide by the current zoning, a zoning designation that is specifically designed for developments along transit corridors. This finding is not met.

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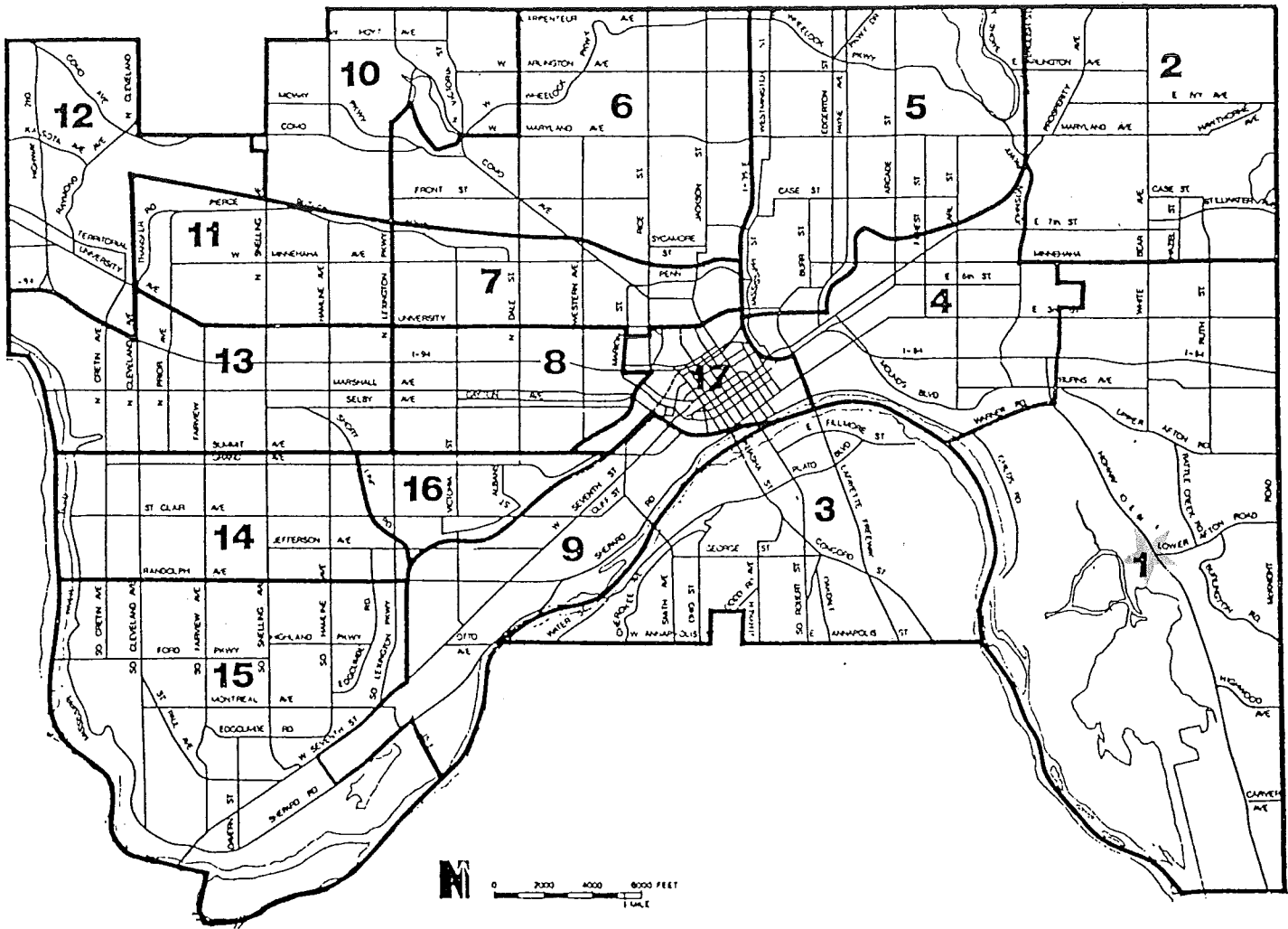
- 5) The variance will not permit any use that is not allowed in the zoning district where the affected land is located. At this point, with the other two tenants being unknown, this finding appears to be met.
  
- 6) The variance will not alter the character of the surrounding area. This finding is one that is problematic for a development which is the first to take place in the newly zoned area. Although we agree that the proposed development is an improvement over the vacant, dirt-covered lot that is the current state of this parcel, under these circumstances ANY development would be an improvement. The standard applied by the applicant is inappropriate. The question is whether the variance would alter the character of the surrounding area as defined by the new zoning. Clearly, awarding this variance would have the effect of saying that the character of the area as defined by the T2 zoning is irrelevant to any new development in the surrounding area. Awarding this variance request sets a dangerous precedent for neighborhood and City plans that seek to have developments keep pace with opportunities to improve neighborhoods. This finding is not met.

The District 1 Community Council urges the BZA to deny this variance request but remains willing to work with the developer to build on this site in a way that supports the neighborhood and the businesses that are housed here now and in the future.

Respectfully submitted,

Betsy Leach  
Executive Director  
For the Land Use Committee and Board

\*From the Gold Line Station Area Plan – SunRay Station - The station area will provide High-Intensity TOD in its Primary TOD Zone, land currently occupied mainly by suburban-style commercial developments on the north side of I-94. A mix of uses and a finer-grained street network will provide pedestrian activity and improved commercial vitality. Land use will become much more intense, and connections to area activity centers will be strong, pleasant, and safe.



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. HAZEL PARK HADEN-PROSPERITY HILLCREST
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLIN-MIDWAY
12. ST. ANTHONY PARK
13. MERRIAM PARK-LEXINGTON HAMLIN-SNELLING HAMLIN
14. MACALESTER GROVELAND
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

ZONING FILE 16-107288

