



PETITION NO.: _____

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-301-F

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

THE GRANT WILL MAINTAIN EXISTING DRAINAGE PATHWAYS, SWALES, AND STORM SEWER THAT ARE CRITICAL TO DRAINAGE OF THE SHOPPING CENTER'S PROPERTY, VALVOLINE'S LEASED AREA, AND THE PUBLIC RIGHT-OF-WAY (AS SHOWN ON THE PROPOSED PLANS). MAINTAINING THESE EXISTING DRAINAGE PATHWAYS WILL ALLOW THE PUBLIC TO SAFELY NAVIGATE EXISTING TRAVEL PATHS (PEDESTRIAN AND AUTO) IN AND AROUND THE SUBJECT SITE THAT MAY OTHERWISE BE IMPEDED BY POOR DRAINAGE AND STANDING WATER IF GRANT IS NOT APPROVED. AS SUCH, A GRANT TO WAIVE CONNECTIVITY TO PUBLIC SIDEWALKS WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY.

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

THE VARIANCE WILL ALLOW DEVELOPMENT OF THE SUBJECT SITE IN A MANNER THAT IS CONSISTENT WITH ADJACENT AND NEIGHBORING PROPERTIES. EXISTING, ADJACENT USES, BUILDINGS, AND PROPERTIES IN THIS AREA LARGELY DO NOT HAVE DIRECT OR HARD SURFACE WALKWAYS THAT CONNECT TO PUBLIC SIDEWALK. AS SUCH, GRANTING THIS VARIANCE WILL HAVE NO IMPACT TO USE OR VALUE OF AREAS ADJACENT TO THE PETITIONER'S PROPERTY.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

INSTALLATION OF A HARD SURFACED WALKWAY THAT CONNECTS PUBLIC SIDEWALK TO THE PROPOSED BUILDING WOULD OBSTRUCT CRITICAL, EXISTING DRAINAGE PATHWAYS BETWEEN THE PUBLIC SIDEWALK AND PROPOSED BUILDING. IMPACTS TO THESE DRAINAGE PATHWAYS WOULD CREATE AN UNDUE RISK OF NEGATIVE DRAINAGE AND STANDING WATER THAT MAY IMPACT BUSINESS OPERATIONS AND SAFE USE OF EXISTING PUBLIC TRAVEL PATHS. A WELL DRAINED SITE IS IMPERATIVE TO VALVOLINE'S OPERATIONS TO AVOID FLOODING OR DRAINAGE THAT COULD REACH THE BUILDING AND INUNDATE THE LOWER LEVEL.