



SPECIAL EXCEPTION
 SITE PLAN REVIEW

Application No. 19-31000012

All applications are to be filled out completely and correctly. The application shall be submitted to the Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): 770 4TH AVE N LAND TRUST, FLORIDA PROPERTY TRUSTEE CO TRE	
Street Address: 405 6TH ST S STE 102	
City, State, Zip: ST PETERSBURG FL 33701-4446	
Telephone No: <u>718-877-19-24</u> Email: <u>tony@gal-en.com</u>	
NAME of AGENT OR REPRESENTATIVE: Behar Peteranecz Architects	
Street Address: 2430 Terminal Drive	
City, State, Zip: St Petersburg, FL 33712	
Telephone No: 727-800-5300 Email: Istvan@architecturebp.com	
NAME of ARCHITECT or ENGINEER: Istvan Peteranecz	
Company Name: Behar Peteranecz Architects Contact Name: Istvan Peteranecz	
Telephone No: 727-800-5300	
Website: <u>www.http://architecturebp.com/</u> Email: Istvan@architecturebp.com	
PROPERTY INFORMATION:	
Address/Location: 770 4th Avenue N Email:	
Parcel ID#(s): 19-31-17-41650-000-0010	
DESCRIPTION OF REQUEST: Approval of an FAR bonus from 3.0 base to 5.0, Variance to the requirement for a 10-foot sidewalk in order to maintain a 5-foot sidewalk on Moffett Court North	
PRE-APP MEETING DATE:	STAFF PLANNER: Corey Malyszka

FEE SCHEDULE

	<u>SPECIAL EXCEPTION (SE)</u>		<u>SITE PLAN REVIEW (SPR)</u>	
Special Exception (SE), General Application:	\$1,000.00	Site Plan Review (SPR), General, By Commission	\$1,000.00	
Special Exception (SE), Modification:	\$ 500.00	Site Plan Review (SPR), General, By POD	<u>\$ 500.00</u>	
Concurrency	\$ 25.00	Site Plan Review (SPR), General, Related to SE	\$ 0.00	
		Site Plan Review (SPR), Modification, By Commission	\$ 500.00	
VARIANCES		Site Plan Review (SPR), Modification, By POD	\$ 250.00	
Each Variance Requested for SE/SPR	<u>\$ 200.00</u>			

Cash, credit, and checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department. The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner/Agent*: [Signature]
*Affidavit to Authorize Agent required, if signed by Agent.

Date 09/09/2019



AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name:

770 4TH AVE N LAND TRUST, FLORIDA PROPERTY TRUSTEE CO TRE

"This property constitutes the property for which the following request is made

Property Address: 770 4th Ave N

Parcel ID#: 19-31-17-41650-000-0010

Request: Site Plan Approval of an FAR bonus and a variance to the 10-foot sidewalk requirement on Moffett Court North

"The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): Istvan Peteranecz, Behar Peteranecz Architecture

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property

I(we), the undersigned authority, hereby certify that the foregoing is true and correct

Signature (owner): [Handwritten Signature]

Printed Name ANATOLLI ZHUKOVSKYI
770 4th Ave N LAND TRUST

Sworn to and subscribed on this date

Identification or personally known: FL Drivers License

Notary Signature: [Handwritten Signature] Date: 09/09/2019

Commission Expiration (Stamp or date):





SPECIAL EXCEPTION
 SITE PLAN REVIEW

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): Diana and Robert Daerr	
Street Address: 315 16th Avenue NE	
City, State, Zip: ST PETERSBURG FL 33704-4712	
Telephone No:	Email:
NAME of AGENT OR REPRESENTATIVE: Behar Peteranecz Architects	
Street Address: 2430 Terminal Drive	
City, State, Zip: St Petersburg FL 33712	
Telephone No: 727-800-5300	Email: Istvan@architecturebp.com
NAME of ARCHITECT or ENGINEER: Istvan Peteranecz	
Company Name: Behar Peteranecz Architects Contact Name: Istvan Peteranecz	
Telephone No: 727-800-5300	
Website: www.http://architecturebp.com/	Email: Istvan@architecturebp.com
PROPERTY INFORMATION:	
Address/Location: 340 Moffett Ct N Email:	
Parcel ID#(s): 19-31-17-41650-000-0051	
DESCRIPTION OF REQUEST: Approval of an FAR bonus from 3.0 base approval to 5.0, Variance to the requirement for a 10-foot sidewalk in order to maintain a 5-foot sidewalk on Moffett Court North	
PRE-APP MEETING DATE: 7/24/19	STAFF PLANNER: Corey Malyszka

	FEE SCHEDULE	
	SPECIAL EXCEPTION (SE)	SITE PLAN REVIEW (SPR)
Special Exception (SE), General Application:	\$1,000.00	Site Plan Review (SPR), General, By Commission \$1,000.00
Special Exception (SE), Modification:	\$ 500.00	Site Plan Review (SPR), General, By POD \$ 500.00
Concurrency	\$ 25.00	Site Plan Review (SPR), General, Related to SE \$ 0.00
		Site Plan Review (SPR), Modification, By Commission \$ 500.00
VARIANCES		Site Plan Review (SPR), Modification, By POD \$ 250.00
Each Variance Requested for SE/SPR	\$ 200.00	

Cash, credit, and checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department. The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner/Agent*:  Date 7/9/19

*Affidavit to Authorize Agent required, if signed by Agent.



AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name:

Diana and Robert Daerr

"This property constitutes the property for which the following request is made

Property Address: 340 Moffett Ct N

Parcel ID#: 19-31-17-41650-000-0051

Request: Site Plan Approval of an FAR bonus and a variance to the 10-foot sidewalk requirement on Moffett Court North

"The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): Istvan Peteranecz, Behar Peteranecz Architecture

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property

I(we), the undersigned authority, hereby certify that the foregoing is true and correct

Signature (owner):

Printed Name

Robert Daerr

Sworn to and subscribed on this date

Identification or personally known:

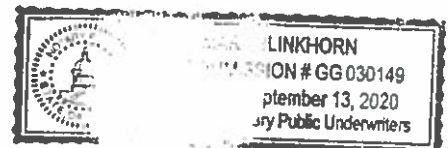
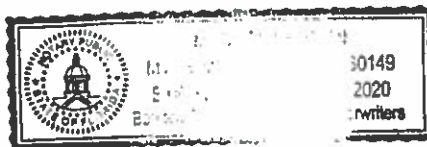
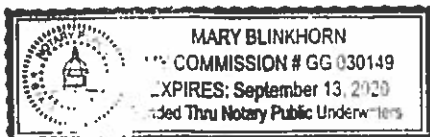
FL DRIVERS License

Notary Signature:

Date:

9/9/19

Commission Expiration (Stamp or date)



City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471

www.stpete.org/ldr



SPECIAL EXCEPTION
 SITE PLAN REVIEW

DATA SHEET

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FAILURE TO COMPLETE THIS FORM WILL RESULT IN DEFERRAL OF YOUR APPLICATION.

DATA TABLE				
1.	Zoning Classification:		DC-2	
2.	Existing Land Use Type(s):		Retail	
3.	Proposed Land Use Type(s):		Residential, Multi Family	
4.	Area of Subject Property: 30,894 sq ft total of two parcels (19-31-17-41650-000-0010 & 19-31-17-41650-000-0051)			
5.	Variance(s) Requested:		From 10-foot sidewalk required to 5-foot sidewalk on Moffett Ct N	
6.	Gross Floor Area (total square feet of building(s))			
	Existing:	Sq. ft.	11,723	
	Proposed:	Sq. ft.	174,785	
	Permitted:	Sq. ft.	N/A	
7.	Floor Area Ratio (total square feet of building(s) divided by the total square feet of entire site)			
	Existing:	.0264	Sq. ft.	11,723
	Proposed:	3.79	Sq. ft.	117,220
	Permitted:	4.0	Sq. ft.	At 3.0 / Based on Requested 4.0 FAR - 92,682 / 123,576
8.	Building Coverage (first floor square footage of building)			
	Existing:	Sq. ft.	11,723	% of site 37.9
	Proposed:	Sq. ft.	27,843	% of site 90.1
	Permitted:	Sq. ft.	27,345	% of site 95.0
9.	Open Green Space (include all green space on site; do not include any paved areas)			
	Existing:	Sq. ft.	6,447	% of site 21.0
	Proposed:	Sq. ft.	1,682	% of site 5.5
10.	Interior Green Space of Vehicle Use Area (include all green space within the parking lot and drive lanes)			
	Existing:	N/A	Sq. ft.	% of vehicular area N/A
	Proposed:	N/A	Sq. ft.	% of vehicular area
11.	Paving Coverage (including sidewalks within boundary of the subject property; do not include building footprint(s))			
	Existing:	Sq. ft.	1,5279	% of site 49.0
	Proposed:	Sq. ft.	2,169	% of site 7.0



st.petersburg
www.stpete.org

PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F, "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process.

APPLICANT REPORT	
Street Address:	
1. Details of techniques the applicant used to involve the public	
(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal	
(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications	
Emailed notice to Karen Carmichael of the St Petersburg Downtown Neighborhood Association. See Attached.	
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located	
2. Summary of concerns, issues, and problems expressed during the process	
3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations	
Check one: <input type="checkbox"/> Proposal supported	
<input type="checkbox"/> Do not support the Proposal	
<input type="checkbox"/> Unable to comment on the Proposal at this time	
<input checked="" type="checkbox"/> Other comment(s): <i>Please see attached email.</i>	
Association Name	President or Vice-President Signature
If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.	

Kathryn Younkin

From: Kathryn Younkin
Sent: Monday, September 9, 2019 1:37 PM
To: 'spdna.president@gmail.com'
Cc: Istvan Peteranecz
Subject: Site Plan Review Application for 770 4th Ave N
Attachments: 2019-09-09 770 4th Ave. N Site Plan Application Drawing Package.pdf; Site Plan APPLICATION Project Narrative.pdf; 20190909 Scanned Application 770 4th Ave N.pdf

Miss Carmichael,

We are writing to advise the St. Petersburg Downtown Neighborhood Association of our application for Site Plan Review to allow an FAR bonus of 1.0 and a variance to the width of the sidewalk from 10' required to 5' along Moffett Court North. The existing sidewalk is 5' at that location and this is a 20' street,

I am enclosing our plans and renderings of the project, as well as our application. Please let us know if you have any questions on this project.

Kathryn Younkin, AICP, LEED AP BD+C

Behar Peteranecz, Architecture
2430 Terminal Drive South | St. Petersburg FL 33712
727.800.5300 *office* | 727.258.8669 *direct*

License #AA26001704 | #IB26001074 | architecturebp.com

Project Narrative

770 4th Avenue North and 340 Moffett Court North, Residential Multi-family Building
September 9, 2019

The proposed project consists of the redevelopment of two parcels of land totaling approximately 30,894 square feet or .71 acres of site area located at 770 4th Avenue North and 340 Moffett Court North. The request is for a bonus to Floor Area Ratio (FAR) from the 3.0 FAR allowed by right to 4.0 FAR using specific bonuses outlined below. The applicant is also requesting a variance to the sidewalk width along Moffett Court North, to retain the existing 5-foot sidewalk width on this street, which is dedicated as a 20-foot right-of-way. The applicant is requesting a streamline approval of the 1.0 FAR bonus and to the 5-foot sidewalk variance along Moffett Court North.

The site is zoned Downtown Center (DC-2) a zoning category that allows some of the most intense residential development in the City. The site is bounded by 4th Avenue North to the north, 8th Street North to the west, multi-family residential development to the south, and Moffett Court North to the east.

The site includes a 3-foot wide east/west and north south utility easement along 8th Street and 4th Avenue North, and a 10-foot wide north/south and east/west utility easement in the southern portion of Lot 1, an easement vacation application is in process. There are also two 25-foot street corner radius easements on the north side of the site which are to remain. The project is designed to be consistent with the goals of the Land Development Regulations for the DC-2 zoning district. The site includes an existing commercial two-story building erected in 1952 on Lot 1 and a 1924 single-family home on the southern parcel. Lot 1 is heavily paved and has existing green space along the northern side of the property. The existing buildings will be demolished, and the site cleared for new development.

The proposed building is a multi-family residential building with a total of 126 units in a 7-story U-shaped residential building with parking within the building envelope. The site has 5.5% open space with the main entry for pedestrians on 8th Avenue North with open space on the two northern corners of the property and along Moffett Court. Vehicular traffic entry and exit occurs on Moffett Court North. A loading zone is proposed on Moffett Court North. Trash receptacles are in an enclosed space on the east side of the site and will be rolled out for curbside collection by sanitation vehicles.

Level 1 has an entry lobby, building services, mechanical areas, storage, vehicular and open bicycle parking, loading, and refuse/recycling collection. Level 2 includes mechanical areas, storage, and vehicular and both open and enclosed bicycle parking. Levels 3 through 7 include residential units, Level 3 also has a terrace, pool and lobby opening to the pool area. Level 7 also has an open rooftop amenity area. The building is served by two elevators and two stairs.

The building height is 80.8-feet which is below the 125 feet maximum base height allowable under Base approval. The building setbacks are not required to step back above 50-feet as there is an exception from buildings which are not over 75-feet in overall height. A 12' allowable height encroachment is allowed as over 50% of the ground floor is parking, therefore the building is not considered to be over 75-feet.

A traffic impact report has not been included with this application as per the list of required submittals for Site Plan Review. The project team was advised by the Zoning department that a report would not be required for this application.

The project site is in the St. Petersburg Downtown Neighborhood Association area. The project team contacted the association on September 9, 2019 and shared the project plans. A neighborhood meeting has not been held for this project.

Historic Context

The proposed building is not located within a local historic district. The properties located at 770 4th Avenue North and 340 Moffett Court North are considered contributing resources to the Downtown National Register Historic District. The design team studied the historic structures in the area and reviewed the List of Potentially Eligible Properties published by the City of St Petersburg’s Urban Planning and Historic Preservation Division for relevant properties on adjoining lots. There are no individually eligible properties on the subject lot or adjoining lots. The structure located at 770 4th Avenue North has been altered greatly over time with numerous additions and has lost its integrity. The single-family residential structure at 340 Moffett Court North was built in 1924 and maintains its integrity. This house at 340 Moffett Court North is isolated on the north and east and only adjacent to one historic structure. Most historic homes on Moffett Court are on the east side of the street. The structure to the north is the subject building at 770 4th Avenue North, which is a greatly altered building, surrounded by asphalt parking lots. The structure to the south is a multifamily building, built in 1925, and not typical of the single-family homes on the other side of the block. The lots to the south and west have recently been redeveloped with multi-family townhouses. The property to the north, across 4th Avenue (a major arterial) has one existing multifamily building and a proposed townhome project.

Building Envelope

The project complies with all setback and height requirements. The building is designed in a modern architectural style. The primary exterior building cladding materials include cement plaster, fiber cement panel, and aluminum framed storefronts and windows. The parking levels will be screened using with an opening pattern following the glazing above and inset with welded grids for climbing vines. Metal railings are proposed for unit balconies and a parapet wall at the amenities level.

Vehicle and Bicycle Parking

All vehicle parking for the building occurs inside the parking structure. On September 5, 2019 the City Council passed Ordinance 375-H which allows units equal to or less than 750 square feet to have zero (0) parking spaces per unit and units over 750 square feet to have one parking space in DC zoning, this Ordinance will become effective on September 12, 2019. The parking garage provides 116 spaces on 2 levels which exceeds the minimum number of required spaces under the new Ordinance. Self-parking is proposed on both levels. Parking meets ADA requirements.

Units	Total Units	Parking Spaces Required / Unit	Total Parking Spaces Required	Parking Spaces Provided
Equal to or less than 750 square feet	102	0	0	
More than 750 square feet	24	1	24	
Totals	126		24	116

Short-term bicycle parking is proposed adjacent to the front entry. Additional bicycle parking is also provided on grade and level two for residential users. Short term bicycle racks for 7 bicycles are designed near the entry and away

from the sidewalks to not obstruct pedestrian flow. Long-term bicycle parking is proposed in open areas of the garage on level 1 and 2, in an enclosed space on level 2 and within each unit.

Landscaping and Exterior Conditions

Landscaping is proposed on 4th Avenue North and 8th Street North street fronts as well as within the north open space and east open space at the southern end of the site facing Moffett Court North. Perimeter landscaping is proposed along property lines adjoining private property.

Bonuses Requested

The building design aims to maximize the FAR under the Streamline bonus approval procedure. The maximum intensity allowable for buildings in the DC-2 zoning district is 3.0 through the Base approval process and up to 5.0 through the Streamline approval process. The building as currently designed has a FAR of 3.8. Following are the two anticipated FAR bonuses requested to reach a requested FAR of 4.0.

- Up to 2.0 Far for **providing public art** as an integral part of the pedestrian-level sidewalk area or required ground level open space, or as a decorative crown element of a building that includes night lighting. The value of such feature shall be equal to one-quarter of one percent or more of the total construction cost per 0.5 of FAR bonus. All public art shall be visually accessible to the public.
- **Support workforce housing** with one or more of the following methods:
 - For each additional 1.0 FAR or fraction of the bonus FAR requested, five percent of the total number of housing units shall be provided, on site, as workforce housing units for people initially qualifying at 150 percent or less of median income.
 - Provide financial support to the City's housing capital improvements projects (HCIP) trust fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.

Variance Narrative

The variance requested is to the requirement for 10-foot sidewalks on all streets in the DC-2 zoning district as outlined in Section 16.40.140.4.2. This site has streets on three sides of the project site. The applicant is proposing to provide the required 10-foot sidewalks along 8th Street North and along 4th Avenue North. The request is for a variance to a 5-foot sidewalk on Moffett Court North, which is on the east side of the project. Moffett Court North is a substandard platted street with only 20-feet of right-of-way width. The brick-paved street has existing sidewalks on both sides, approximately 5-feet in width. Both 8th Street North and 4th Avenue North are designated as arterial streets on the future Major Streets map and are appropriate for 10-foot sidewalks, due to the high volume of vehicular traffic and pedestrian use.

The special conditions of the site include that Moffett Court North was dedicated as a 20-foot right-of-way when originally platted. The redevelopment of the site will provide the sidewalks as required on the arterial rights-of-way on major streets 8th Street North and 4th Avenue North. With a 20-foot right-of-way width on Moffett Court, it is difficult to provide a ten-foot sidewalk. Most pedestrians would likely be on the other primary street faces, as these connect in both directions, while Moffett Court does not continue to the north or south, and so primarily serves the existing residents of the seven residential buildings on the block. Primary pedestrian access for the new building is on 8th Street North. Retaining the character of the 20-foot street right-of-way of Moffett Court would be in keeping with the nature of the existing historic buildings located on the Court.

Responses to Standards for variance review in Section 16.70.040.1.6:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought, and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:
 - a. *Redevelopment*. If the site involves the redevelopment or utilization of an existing developed or partially developed site;
This site is an existing developed site, though the existing buildings will be removed for redevelopment.
 - b. *Substandard lot*. If the site involves the utilization of an existing legal nonconforming lot which is smaller in width, length or area from the minimum lot requirements of the district;
This criterion is not applicable to this project as there is no minimum lot size in the DC-2 zoning district.
 - c. *Preservation district*. If the site contains a designated preservation district;
This criterion is not applicable to this project as this is not a designated preservation district.
 - d. *Historic resources*. If the site contains historical significance;
The site has two structures which are considered contributing to the National Register District and are not intended to remain. This is not a locally designated historic district, and the buildings while contributing are not considered eligible for listing.
 - e. *Significant vegetation or natural features*. If the site contains significant vegetation or other natural features;
This criterion is not applicable to this project, as both of these lost have been previously developed and significant vegetation does not remain.
 - f. *Neighborhood character*. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
Retaining the character of the 20-foot street right-of-way of Moffett Court would be in keeping with the scale and nature of the existing buildings located on the east side of the Court. The 20-foot street right-of-way was dedicated by the original plat and helps to enforce the character of the existing 1920s era buildings on the east side of the street.
 - g. *Public facilities*. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals;
This criterion is not applicable to this project.
2. The special conditions existing are not the result of the actions of the applicant;
The 20-foot street right-of-way was dedicated on the original plat of the area and is not a result of the actions of the applicant.
3. Owing to the special conditions, a literal enforcement of this chapter would result in unnecessary hardship;
If the variance was not granted, the applicant would lose use of the eastern 5-feet of the site.
4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;
The applicant would still have use of the land, though have reduced development potential.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;
The variance requested is the minimum variance that will maintain the existing scale and proportions of the Court. The variance requested is to maintain an existing condition where the sidewalk is now 5-feet.
6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;
The granting of the variance would be in keeping with the purpose and intent of the chapter, to recognize unique situations, such as this substandard street right-of-way.
7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and
The granting of the variance would not be injurious to the neighboring properties, as the request is to retain the existing condition.
8. The reasons set forth in the application justify the granting of a variance;

The reasons set forth in this application do justify the granting of the variance, recognizing the substandard right-of-way and existing sidewalk width.

9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.

Non-conforming uses are not being considered or requested in this application.

End of Narrative