

## **STATUTORY CONDITIONS**

Applicant seeks a variance for the property located at 7700 Broadway Extension, Oklahoma City, Oklahoma 73116 (the “Property”). The Property is currently zoned I-2 and requires a variance from the restrictions imposed by the Oklahoma City Municipal Code (the “Code”) § 59-12100.3(A)(1)(a) (“Ordinance”), as it pertains to front yard regulations and through lots.

Applicant owns the Property and seeks a variance from the requirement that, in the event that a front yard and rear yard abut a street, the minimum front yard requirement of the zoning district shall apply to any frontage that has access to a street. As mentioned above, the Property is zoned I-2, which requires a 25-foot front yard setback. The Property is located between Broadway Extension and N. Santa Fe Ave., with the front façade facing N. Santa Fe Ave. and the rear of the building abutting Broadway Extension. There will be an access from both N. Santa Fe Ave. and Broadway Extension. As such, the requested variance will maintain the 25-foot setback along N. Santa Fe Ave. to the front building line, and a 15-foot rear yard setback from Broadway Extension to the rear building line.

Applicant therefore requests a 10-foot variance measured from the property line along Broadway Extension to the rear building line.

### **1. The application of the Ordinance to the particular piece of property would create an unnecessary hardship.**

Strict application creates an unnecessary hardship by requiring the Applicant to cease development and restructure the site plan for an inconsequential deviation from the Ordinance. The Property is exceeding all other setback regulations and the front yard setback, as defined in the Code, is also met; therefore, strict compliance with the Ordinance is unnecessary and the application thereof creates an unnecessary hardship.

### **2. Such conditions are peculiar to the particular piece of property involved.**

Conditions exist on the Property that are peculiar and further justify the granting of the requested variance. As previously stated, the Property is situated between, and has access from, both N. Santa Fe Ave. and Broadway Extension. For this reason, the Ordinance requires the front yard setback requirement to be applied to both the front and rear of the Property. The Ordinance is separate and apart from the Code definition for rear and front yard, as well as the setback requirements per base zoning district, which the Property complies with.

These conditions justify relief from the Ordinance at issue. Without such relief, Applicant would be forced to suffer undue time and expense by halting development and redoing the site plan.

**3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan.**

The proposed variance will not cause a substantial detriment to the public good or impair the purpose of the Ordinance. The setback requirement at issue is intended to ensure adequate access and to provide ample space between the street and the development. Here, the setback is still significant to protect access to the property, as well as the Property itself. Additionally, the proposed setback along Broadway Extension will be consistent and harmonious to surrounding properties.

Therefore, granting the requested relief would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

**4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.**

The variance, if granted, would be the minimum relief necessary to alleviate the unnecessary hardship as all other requirements are met.