

STATUTORY CONDITIONS

Applicant seeks a variance for the property located at 5100 N. Pennsylvania Ave., as well as 5000 N. Pennsylvania Ave., and a portion of 1900 Northwest Expressway, Oklahoma City, Oklahoma 73112, as depicted by Exhibit “A” (the “Property”). The Property requires a variance from the restrictions imposed by the Oklahoma City Municipal Code (the “Code”) § 59-10600, specifically Table 10600.1 (“Ordinance”), as it pertains to commercial parking requirements.

Applicant seeks a variance from the number of spaces required for commercial use units to allow room for improvements and ultimately enhance the Property. The Property is currently zoned C-3 and is surrounded by an influx of high intensity commercial and residential development, specifically the Oak to the west and 50 Penn Place to the east, and the Property as well as the surrounding area has an abundance of parking spaces to accommodate new development.

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

Strict application of the Ordinance creates an unnecessary hardship by preventing larger commercial uses from being developed on the Property, inhibiting beneficial sales tax generation and requiring a significant amount of parking that is unnecessary. Therefore, strict compliance with the Ordinance reduces beneficial development, creates waste due to redundant and what will be vacant parking areas, 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 adjacent to the Oak, as well as 50 Penn Place and residential development. Given the nature of the area and how it has evolved, the variance request is consistent with the surrounding area and will not cause any adverse effect due to the excessive number of existing parking spaces.

These conditions justify relief from the parking requirement at issue. Without such relief, Applicant, as well as surrounding property owners and the City of Oklahoma City, would be forced to suffer undue expense and a lack of beneficial development and sales tax generation for an unnecessary amount of parking spaces.

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 purpose of the Ordinances is to ensure that there is adequate parking for permitted uses. Here, because of the location of the Property, the requested variance is inconsequential and will not impair the purpose of the Ordinance as there is more than adequate parking on site. Additionally, granting the requested relief would not cause substantial detriment to the public good due to the aforementioned existing parking spaces that will remain within and surrounding the Property.

- 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.