

## **WAIVER JUSTIFICATION STATEMENT**

### **Aparium Hotel**

**615 East Market Street**

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The requested waiver of Section 5.5.5.B.1 of the Land Development Code, to allow an accessory structure in front of a principal structure, will not adversely affect the adjacent property owners. The applicant proposes to restore and repurpose the historic Joe Ley Antiques building into a hotel and restaurant by renovating that structure as part of an overall redevelopment of the subject properties. The overall development will include the construction of a contemporary hotel building that will also include a restaurant/bar and other publicly accessible areas.

The requested waiver will not violate the Comprehensive Plan. The subject property is in the Downtown Form District. Plan 2040 recognizes the “Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses.” The waiver will allow the applicant to restore the Joe Ley building as part of an overall redevelopment that includes a hotel building that will create a significant and active presence along E. Market Street. The waiver creates a historically sensitive design by allowing the Joe Ley Antique building to remain the primary structure. Part of the design includes creating an outdoor pool/gathering space in front of the contemporary building that will include a small pool house. This area will be landscaped and will also feature a fence along E. Market Street.

The waiver of the regulations is the minimum necessary to afford relief to the applicant. Permitting an accessory structure in front of the principal structure will allow the applicant to develop a public facing outdoor gathering area, which will further activate the area.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Strict application of the regulations would force the applicant to position the hotel building in such a way as to block the Joe Ley building, which would result in a less historically sensitive design.

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The requested waiver of Section 5.5.5.B.1.a.ii of the Land Development Code, to allow surface parking on the side of the principal structure, will not adversely affect the adjacent property owners. The applicant proposes to restore and repurpose the historic Joe Ley Antiques building into a hotel and restaurant by renovating that structure as part of an overall redevelopment of the subject properties. The overall development will include the construction of a contemporary hotel building that will also include a restaurant/bar and other publicly accessible areas. The contemporary structure has been designed to sit behind and beside the Joe Ley building in order to maintain the Joe Ley building's prominent presence along E. Market Street.

The requested waiver will not violate the Comprehensive Plan. The waiver will allow the applicant to restore the Joe Ley Antiques building and develop a hotel building that will create a significant and active presence along E. Market Street. The waiver allows for a small amount of drop off/valet parking to be located close to the reception area and off the main entry to the hotel. The main entry provides pedestrians and hotel guests adequate space to safely access the site off E. Market Street, a two-way street.

The waiver of the regulations is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to develop the property while maintaining the essential character of the vicinity. Requiring rear entry and parking on the site would force hotel guests to use a narrow service alley, which would not provide adequate space to safely maneuver.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. The site is located in the Downtown Form District, which has no minimum parking requirement. The proposed design will allow limited drop-off/valet parking, not a permanent surface parking lot. This feature of the design cannot be accommodated in any other location on the site. Strict application of the regulations would reduce accessibility and functionality of the site.

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The requested waiver of Section 5.2.1.C.2 of the Land Development Code, to allow the building façade to be less than the lot frontage, will not adversely affect the adjacent property owners. The applicant proposes to restore and repurpose the historic Joe Ley Antiques building into a hotel and restaurant by renovating that structure as part of an overall redevelopment of the subject properties. The overall development will include the construction of a contemporary hotel building that will also include a restaurant/bar and other publicly accessible areas. The contemporary structure has been designed to sit behind and beside the Joe Ley building in order to maintain the Joe Ley building's prominent presence along E. Market Street. The applicant proposes to include an active outdoor gathering space near the street and to landscape the area between that use and the street.

The requested waiver will not violate the Comprehensive Plan. The subject property is in the Downtown Form District. The Comprehensive Plan states the "Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses." The waiver will allow the proposed development to restore the Joe Ley building as part of an overall redevelopment that will also include a 7-story contemporary hotel building with a restaurant, bar, outdoor terrace, and other gathering areas. The proposed design invites pedestrian activity and activates the area in front of the proposed hotel building.

The waiver of the regulations is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to restore and keep the Joe Ley building the primary structure of the site. Requiring the applicant to maintain a street wall along the lot frontage would force the applicant to alter the site in front of the Joy Ley building in a way that would result in a less historically sensitive and less interactive design.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Most sites along the north side of the 600 block of E. Market Street have low fences and landscaping, not street walls. Without the waiver of the street wall, the applicant would be required to construct a wall along a section of the street that has no other street walls, interrupting the historic rhythm of the streetscape.