

**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*



**m e m o r a n d u m**

**TO:** The Urbana Zoning Board of Appeals

**FROM:** Christopher Marx, AICP, Planner I

**DATE:** September 13, 2017

**SUBJECT: ZBA Case 2017-MAJ-04:** A Major Variance request by A&R Mechanical for a reduction in the required rear yard setback from ten feet to 5.7 feet at 711 East Kettering Park Drive in the IN-1, Light Industrial/Office zoning district.

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**Introduction**

A&R Mechanical Contractors are requesting a Major Variance to allow a reduction in the required rear yard setback space from ten feet to 5.7 feet on their property at 711 East Kettering Park Drive. The applicants are requesting the variance so an expansion can occur at their existing facility on the property. The setback reduction is necessary so that the new building addition can be constructed continuous with the existing structure, accommodate operational needs of the business, and meet other City regulation requirements.

**Background**

A&R Mechanical Contractors have existed at the subject property since approximately 1967. Their business offers customized equipment and prefabricated building elements for various businesses. While their business is located on several adjacent parcels, the subject property contains several storage structures and a main building of approximately 13,180 square feet that contains light industrial space and small office space. The main building was constructed in several phases through the 1960's and 1970's on the southeast corner of the property. Their proposal is to build 12,483 square feet of fabrication space with 1,250 square feet of new office space. The northern part of the property would be transformed from outdoor storage space to the facility addition with 15 additional off-street parking spaces, an access drive, and designated outdoor storage space. The access point on the far northwest part of the property, off Linview Avenue, will be eliminated and the parkway will be restored.

A portion of the existing main building, in its southeast location on the property, has a setback of less than one foot from the eastern property line. Farther north, the building is set back further, to 5.7 feet from the eastern property line. The existing building was constructed before the property was in Urbana and subject to the City's Zoning Ordinance and Building Safety Code. While the structure was built under the jurisdiction of Champaign County, an advisory letter from the City dated April 14, 1975, indicated that a building with no setback would be in compliance with City code because of its adjacency to a cemetery (See Exhibit F).

The applicants are proposing an addition to the main building with a setback of 5.7 feet from the eastern property line against the cemetery. They state that the addition's alignment with the main building is crucial for the metal fabricating operations which would occur in the new space. The addition must be narrow

enough for the property to accommodate truck deliveries and wide enough to accommodate a horizontal bridge crane for the facility. They state that 5.7 feet is the most amount of space they can provide for the building setback without compromising the two main requirements of the proposed facility layout. That setback would also be consistent with the setback of the existing building at the point where they would connect.

**Description of the Site**

The subject property is an industrial building on a 2.11 acre lot near the Lincoln Avenue corridor in North Urbana. It is zoned in the IN-1, Light Industrial/Office zoning district with a current use of metal fabricating and equipment manufacturing. Towards the northwest is a property belonging to the applicants used for the same business which is also zoned IN-1, Light Industrial/Office. Another property to the west is a plumbing supply company that is zoned IN-1, Light Industrial/Office. Towards the north is an auto repair business also zoned IN-1, Light Industrial/Office. Towards the south and east is Woodlawn Cemetery in unincorporated Champaign County that is zoned under the county’s AG 2 – Agricultural zoning district.

**Zoning and Land Use Table**

The following is a summary of zoning, existing land uses, and Comprehensive Plan future land use designations for the subject site and surrounding properties. (See Exhibits A, B and C)

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	IN-1, Light Industrial/Office	A&R Mechanical Contractors	Light Industrial
North	IN-1, Light Industrial/Office	Ping An Auto Repair	Light Industrial
South	County AG 2 - Agricultural	Woodlawn Cemetery	Institutional
East	County AG 2 - Agricultural	Woodlawn Cemetery	Institutional
West	IN-1, Light Industrial/Office;	A&R Mechanical Contractors, Connor Company	Light Industrial, Community Business

**Discussion**

The applicants are requesting a Major Variance for a reduction in the required rear yard so that they may expand production at their existing facility. The proposed variance would allow a building that is wide enough for business operations and narrow enough for all other zoning and City code requirements. The applicants state that to build an addition that is as efficient, cost effective, and sustainable as possible, it would need to connect to the existing building. They also state that the building needs to be wide enough to accommodate their operations which include a large, horizontal overhead crane. The facility must also be narrow enough to allow enough space on the eastern side of the property for vehicular traffic including truck deliveries and fire department vehicles. The applicants state that zoning requirements and City code would not permit a facility wide enough to meet such requirements. The subject property is approximately 200 feet wide. The buildable area is restricted in width by a total of 25 feet from the required front and rear yard setbacks of 15 and ten feet, respectively.

The existing building is a legally nonconforming structure as it was constructed before the property was located in the City. It was also constructed at a time that the City's and County's regulations did not require a rear yard setback from a cemetery (See Exhibit F). Granting a Major Variance would allow a proposed expansion of the property while only continuing a nonconformity rather than expanding it. The addition would also represent an expansion of an existing use that operates without any apparent conflict to the surrounding businesses or cemetery. The applicants state that the cemetery contains a 15-foot wide berm along the property line with the subject property that acts as a buffer between the industrial use and the graveyard. Granting a Major Variance for the expansion would allow a business to expand while minimally continuing a nonconformity.

## **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

*1. Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The parcel was platted and the existing building was constructed before the property was annexed and subject to City zoning and building code. The building was constructed in conformance with the City's past Building Safety Code. The property is constricted by being long and relatively narrow for an industrial use and being surrounded by developed property, including a cemetery.

*2. The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The proposed variance will not serve as a special privilege. The existing building was constructed in compliance with past regulations and predates most of the surrounding development. The lot is narrow, yet the building must be wide enough to accommodate the fabricating equipment. Aligning the addition with the existing building is the most cost effective and efficient design and allows adequate outdoor storage and parking on the site.

*3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The variance is not the result of a situation or condition knowingly or deliberately created by the applicants. The lot shape and allowance of a minimal setback were in conformance with regulations when the existing building and its addition were constructed.

*4. The variance will not alter the essential character of the neighborhood.*

The variance will not alter the essential character of the neighborhood. The proposed addition represents a continuation of the existing facility and a continuation of existing uses on the property. A neighboring property to the north already exists with a similar setback from the cemetery.

*5. The variance will not cause a nuisance to the adjacent property.*

The variance will not cause a nuisance to the adjacent properties. The proposed addition would be a

continuation of the existing setback and would not entail any further encroachment of the required setback space. The cemetery also contains a 15-foot wide berm along the length of its western frontage with A&R properties to act as a visual screen. The addition would house existing operations that have generated no known complaints from nearby property owners.

*6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The variance represents the minimum deviation from the requirements of the Zoning Ordinance. The reduction in the required setback from 10 feet to 5.7 feet would be the minimal available setback that could accommodate the proposed facility layout requirements. The facility would need to be large enough for the overhead crane and narrow enough to accommodate the truck deliveries on the property.

## **Summary of Findings**

1. A&R Mechanical Contractors are requesting a Major Variance to allow a reduction in the required rear yard setback space from ten feet to 5.7 feet on their property at 711 East Kettering Park Drive.
2. The applicants plan to build an addition of approximately 13,500 square feet so they may expand their metal fabrications and equipment manufacturing business. The rest of the north part of the property would be used for outdoor storage of materials, parking, and access drives.
3. The Zoning Ordinance requires a ten foot rear yard setback from the property lines for properties in the IN-1, Light Industrial/Office zoning district. The setback of a part of the existing building is less than one foot.
4. The building was constructed before the property was annexed into the City and was permitted to have no setback on its eastern property line because of the neighboring property being a cemetery.
5. The applicant states that an encroachment of 4.3 feet into the required rear yard setback is necessary to align with the existing building, accommodate operational space requirements, and allow access for fire vehicles and truck deliveries.
6. The variance is a result of special circumstances regarding the property in carrying out the strict application of the ordinance.
7. The proposed variance would not serve as a special privilege.
8. The variance requested is not the result of a situation or condition knowingly created by the applicant.
9. The variance would not alter the essential character of the neighborhood.
10. The variance would not cause a nuisance to the adjacent property.
11. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2017-MAJ-04:

- a) **Approve** the variance as requested based on the findings outlined in this memo;
- b) **Approve** the variance as requested along with **certain terms and conditions**. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c) **Approve a lesser Minor Variance** with a majority vote; or
- d) **Deny** the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

## Recommendation

Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward ZBA Case 2017-MAJ-04 to the City Council with a recommendation to **APPROVE** the Major Variance to allow a reduction in the required rear yard setback from ten feet to 5.7 feet the following conditions:

1. The building addition generally conforms to the site plan submitted with this application that was submitted on August 21, 2017.
2. The northwest portion of the property, labeled for outdoor storage of materials, shall not be used for vehicular traffic or parking unless paved with a hard surface in compliance with Article VIII of the Zoning Ordinance.

*The specifics of this recommendation may change during the course of formal review of ZBA Case 2017-MAJ-04.*

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Site Plan  
Exhibit E: Site Photos  
Exhibit F: Letter from City Code Enforcement Department - 1975  
Exhibit G: Application

CC: Bill Walter, A&R Mechanical

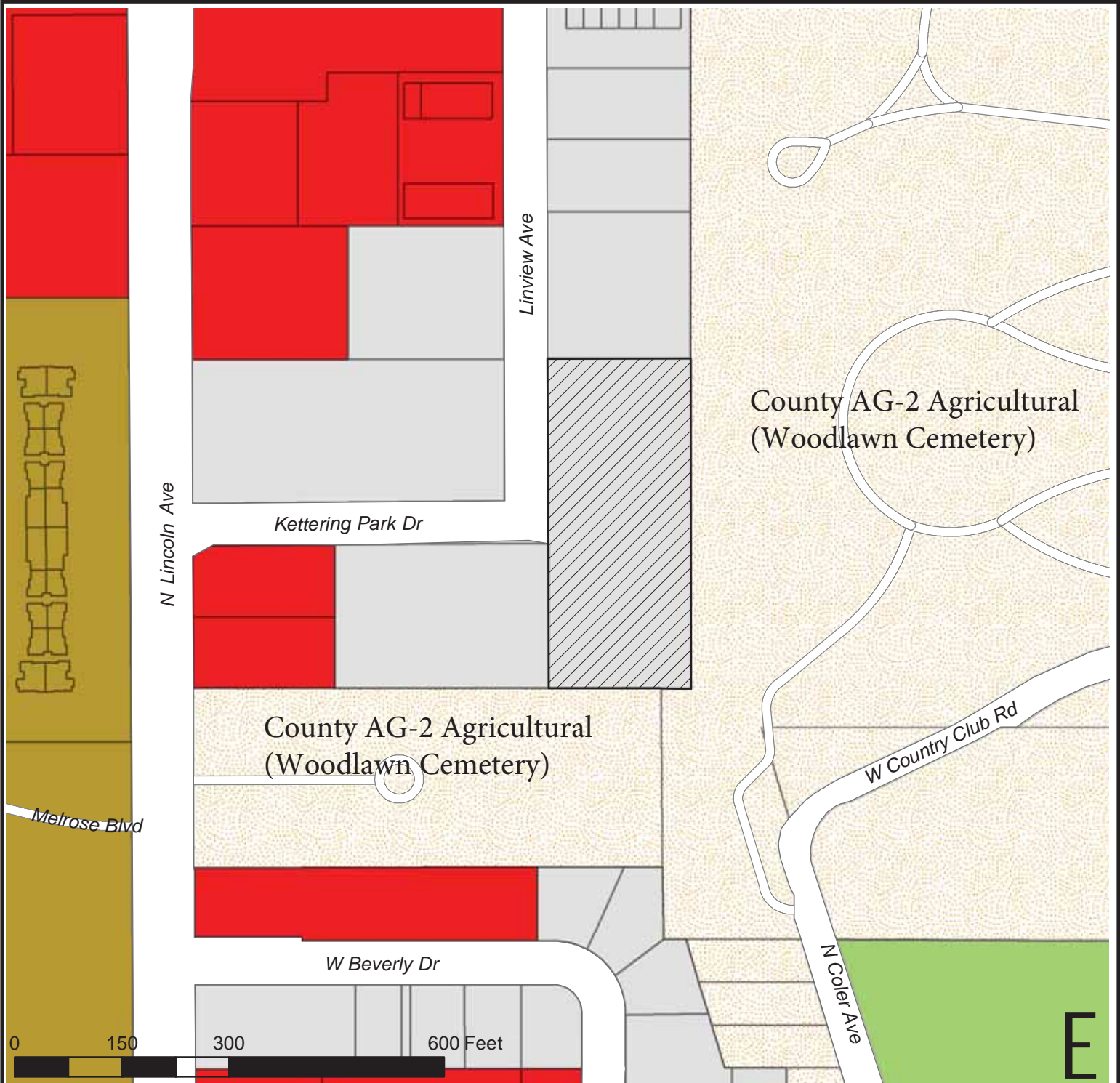
# Exhibit A: Location & Existing Land Use Map



Case: ZBA Case 2017-MAJ-04  
 Subject: Major Variance for Reduced Rear Yard Setback  
 Location: 711 East Kettering Drive  
 Petitioner: A&R Mechanical Contractors

 Subject Property

# Exhibit B: Zoning Map



Case: ZBA Case 2017-MAJ-04  
 Subject: Major Variance for Reduced Rear Yard Setback  
 Location: 711 East Kettering Drive  
 Petitioner: A&R Mechanical Contractors

- B3
- IN-1
- CRE
- R4
- ETJ
- Subject Property

# Exhibit C: Future Land Use Map



Case: ZBA Case 2017-MAJ-04  
 Subject: Major Variance for Reduced Rear Yard Setback  
 Location: 711 East Kettering Drive  
 Petitioner: A&R Mechanical Contractors

- Multi-Family Residential
- Regional Business
- Community Business
- Light Industrial/Office
- Institutional
- Park
- Subject Property





# Exhibit E – Site Photographs

Facing North, along Linview Avenue



Facing Northeast part of the property



Facing directly East in the center part of the property



Facing Southeast in the center part of the property

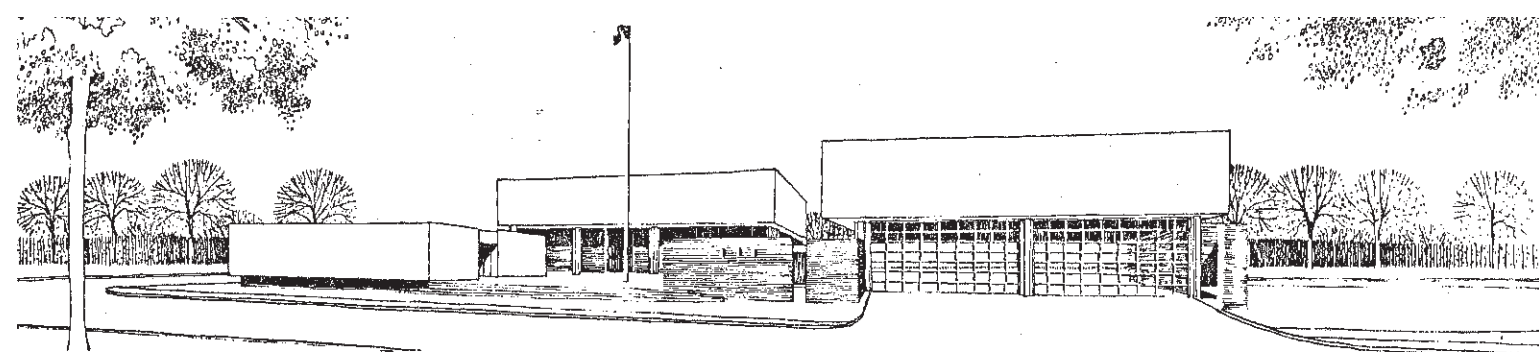


Facing directly East on the South end of the property



Facing Southeast on the South end of the property





CITY OF URBANA - 400 SOUTH VINE STREET - URBANA ILLINOIS

OFFICE OF: CODE ENFORCEMENT DEPARTMENT

April 14, 1975

Reichard Plumbing & Heating  
711 Kettering Park  
Urbana, Illinois 61801

Dear Mr. Reichard,

Per our conversation of April 11, 1975, concerning the City of Urbana's setback regulations from rear and side property lines, as it relates to the proposed addition to Reichard Plumbing and Heating facilities. At present you are outside of Urbana's City limits and therefore, under the County's zoning regulations, it appears under County Zoning that your property is Zoned IN (industrial) which means if you decide to annex under Section 38.8 "Land which subsequently falls within the jurisdiction of the City", of Urbana's Zoning Ordinance, your property would be automatically Zoned (Urbana) I-1 (Light Industrial).

Under Urbana's present I-1 Zoning regulations there is no required setback, however, there are setbacks (or building separation) required by Urbana's Building Code regulations. The amount of separation is dependent and a function of the construction type of building or addition. It appears you are planning to construct an all metal building (unprotected non-combustible). Under Urbana Building Code for unprotected non-combustible building a 25 feet setback is required. 25 Feet setback is not required in this situation because of the adjacent cemetery (i.e. likelihood of neighboring building being constructed is zero).

Portions of the Urbana Building Codes applies to your existing building and addition in the following manner.

1. The existing building is construction type unprotected non-combustible and for an industrial use is limited to 9,600 square feet in area. The existing building is 7,500 square feet in area. (Which means only a 2,100 square feet addition could be built). The proposed

addition is 5,040 square feet, which means a 2-hour fire-rated wall dividing the building up into two fire areas of less than 9,600 square feet is required.

2. An alternative to this is an automatic ~~fire~~ sprinkler system throughout the entire building, as required by Section 308.2 which allows a building area increase (under this Section you could build an unprotected non-combustible building up to 33,600 square feet).

Under either of the above mentioned alternatives this office will issue a building permit for the proposed (unprotected non-combustible) addition at the location indicated on the plot plan dated April 5, 1975.

This preliminary approval is subject to routine plan review of floor plans, and construction drawing.. See attached; details required on plans, permit application, etc.. Please, call if I can be of any further assistance.

Sincerely,



LARRY E. REED  
CODE ENFORCEMENT ADMINISTRATOR

LER:gj  
Enclosure

RECEIVED  
08-21-2017



Application for Variance

ZONING BOARD  
OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 08-21-2017 ZBA Case No. ZBA-2017-MAJ-04  
Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*) a setback from east property line of 5.7 feet to be in alignment with existing offices on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bill Walter Phone: 217-367-4227  
Address (street/city/state/zip code): 711 E. Kettering Park Drive, Urbana, IL 61801  
Email Address: bwalter@ar-mech.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner's Representative/A&R Authorized Agent

2. OWNER INFORMATION

Name of Owner(s): Jon D. Reichard Phone: 217-367-4227  
Address (street/city/state/zip code): 711 E. Kettering Park Drive, Urbana, IL 61801  
Email Address: jreichard@ar-mech.com  
Is this property owned by a Land Trust?  Yes  No  
If yes, please attach a list of all individuals holding an interest in said Trust. (See Attachment A)

3. PROPERTY INFORMATION

Location of Subject Site: 711 W. Kettering Park Drive, Urbana, IL 61801  
PIN # of Location: 91-21-05-352-001  
Lot Size: 2.07 Acres

Current Zoning Designation: IN-1

Current Land Use (*vacant, residence, grocery, factory, etc*): Office, warehouse, fabrication

Proposed Land Use: Office, warehouse, fabrication

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

See Attachment A

#### 4. CONSULTANT INFORMATION

**Name of Architect(s):** Gaylord Swisher **Phone:** 217-398-8559

**Address (*street/city/state/zip code*):** 900 Pheasant Lane, Savoy, IL 61874

**Email Address:** archguy2310@gmail.com

**Name of Engineers(s):** Illinois Engineering Collaborative **Phone:** 309-840-0736

**Address (*street/city/state/zip code*):** 548 Heritage Drive, Mackinaw, IL 61755

**Email Address:** bgleason@ilengr.net

**Name of Surveyor(s):** Berns Clancy and Associates **Phone:** 217-384-1144

**Address (*street/city/state/zip code*):** 405 E. Main Street, Urbana, IL 61803

**Email Address:** cbillings@bernsclancy.com

**Name of Professional Site Planner(s):** Berns Clancy and Associates **Phone:** 217-384-1144

**Address (*street/city/state/zip code*):** 405 E. Main Street, Urbana, IL 61803

**Email Address:** cbillings@bernsclancy.com

**Name of Attorney(s):** **Phone:**

**Address (*street/city/state/zip code*):**

**Email Address:**

#### 5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

See Attachment A

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

See Attachment A

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

See Attachment A

Explain why the variance will not alter the essential character of the neighborhood.

See Attachment A

Explain why the variance will not cause a nuisance to adjacent property.

See Attachment A

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

See Attachment A

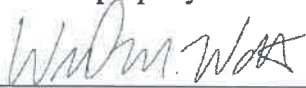
***NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.***

***By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.***



**CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature

8-21-17

Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

# Application for Variance – Attachment A

## 2.4 Owner Information: Land Trust participants list

1. Neal Asklund
2. Nancy Asklund
3. Ruth Rexroad
4. Ellen O’Neill
5. Jon Reichard
6. Patricia Reichard
7. Jonathan Reichard
8. Ben Reichard
9. Scott Reichard
10. Judy Reichard
11. Nathan Reichard
12. Rachel Sullivan
13. Ruth Walter
14. Alyse Bertagnoli

## 3.7 Property Information: Legal Description

- COMMENCING AT THE SOUTHWEST CORNER OF SECTION 5; TOWNSHIP 19 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN CHAMPAIGN COUNTY, ILLINOIS, THENCE NORTH 0 DEGREES 04 MINUTES EAST 687.3 FEET, THENCE SOUTH 89 DEGREES 52.6 MINUTES EAST 533.97 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 08.1 MINUTES EAST 260 FEET; THENCE NORTH 0 DEGREES 10.8 MINUTES EAST 200 FEET; THENCE SOUTH 89 DEGREES 52.6 MINUTES EAST 195.77 FEET, MORE OR LESS, TO THE EAST LINE OF THE PROPERTY NOW OWNED BY SELLER, THENCE SOUTH 0 DEGREES 10.8 MINUTES WEST 460 FEET, MORE OR LESS, TO THE SOUTH LINE OF PROPERTY NOW OWNED BY SELLER, THENCE NORTH 89 DEGREES 52.6 MINUTES WEST 195.17 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE COUNTY OF CHAMPAIGN, STATE OF ILLINOIS

## 5.1 Reasons for Variance: Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

- In order for the most effective utilization of proposed production facility, it is imperative that a variance be granted. For business objectives to be met, the layout of production equipment (overhead crane, welding and cutting equipment, etc.) and logistical flow (racking, storage, overhead doors, loading docks, walkways, etc.) need to be maintained, this is contingent upon our yard space which is a support to the fabrication facility. Our ability to locate the fab shop as close to the eastern property line is critical for the maximization of its effectiveness. Should the proposed yard space become altered by the enforcement of current zoning ordinance, it would be nearly impossible for our firm to achieve the required use; therefore, causing an undue hardship upon the success of the endeavor, subsequently forcing the firm to look at other suitable locations to achieve its desired results. If a variance is not granted, the business rationale for such an investment may be hindered to the extent that the owners and firm may not undertake the financial and operational risk associated.

# Application for Variance – Attachment A

5.2 Reasons for Variance: Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

- The adjacent property to the north and the existing A&R warehouse were built to within .7 feet of the east property line. The existing A&R offices are built to within 5.7 feet of the east property line; therefore, we propose a continuation of the 5.7 foot setback of the office and warehouse additions.

5.3 Reasons for Variance: Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner)

- The demands of a production facility and laydown space were not known until the time of conceptual design, at which time it was identified that the existing zoning ordinance would not allow for this project to move forward.

5.4 Reasons for Variance: Explain why the variance will not alter the essential character of the neighborhood

- The requested variance will not directly impact nor alter any essential characters of the neighborhood, it is a continuation of existing building structures that are adjacent to the cemetery; furthermore, the cemetery has constructed a 15' berm the length of A&R's properties, shielding there view to the west.

5.5 Reasons for Variance: Explain why the variance will not cause a nuisance to adjacent property

- The adjacent property is a cemetery; therefore, an additional building (that is shielded by a berm), should not create a nuisance to any of its patrons. Furthermore, A&R's facilities will resemble the existing facilities, of which no nuisance has ever been of issue.

5.6 Reasons for Variance: Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

- Yes. Our initial plan was to match the existing setback of current A&R warehouses and adjacent property to the north; however, after reviewing the zoning ordinance, we adjusted our plan to the setback of 5.7 feet, our facility layout demands cannot be met without these dimensions.

# Application for Variance – Attachment A

## 2.4 Owner Information: Land Trust participants list

1. Neal Asklund
2. Nancy Asklund
3. Ruth Rexroad
4. Ellen O'Neill
5. Jon Reichard
6. Patricia Reichard
7. Jonathan Reichard
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## 5.1 Reasons for Variance: Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

- In order for the most effective utilization of proposed production facility, it is imperative that a variance be granted. For business objectives to be met, the layout of production equipment (overhead crane, welding and cutting equipment, etc.) and logistical flow (racking, storage, overhead doors, loading docks, walkways, etc.) need to be maintained, this is contingent upon our yard space which is a support to the fabrication facility. Our ability to locate the fab shop as close to the eastern property line is critical for the maximization of its effectiveness. Should the proposed yard space become altered by the enforcement of current zoning ordinance, it would be nearly impossible for our firm to achieve the required use; therefore, causing an undue hardship upon the success of the endeavor, subsequently forcing the firm to look at other suitable locations to achieve its desired results. If a variance is not granted, the business rationale for such an investment may be hindered to the extent that the owners and firm may not undertake the financial and operational risk associated.

# Application for Variance – Attachment A

5.2 Reasons for Variance: Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

- The adjacent property to the north and the existing A&R warehouse were built to within .7 feet of the east property line. The existing A&R offices are built to within 5.7 feet of the east property line; therefore, we propose a continuation of the 5.7 foot setback of the office and warehouse additions.

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- The demands of a production facility and laydown space were not known until the time of conceptual design, at which time it was identified that the existing zoning ordinance would not allow for this project to move forward.

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- The requested variance will not directly impact nor alter any essential characters of the neighborhood, it is a continuation of existing building structures that are adjacent to the cemetery; furthermore, the cemetery has constructed a 15' berm the length of A&R's properties, shielding there view to the west.

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- The adjacent property is a cemetery; therefore, an additional building (that is shielded by a berm), should not create a nuisance to any of its patrons. Furthermore, A&R's facilities will resemble the existing facilities, of which no nuisance has ever been of issue.

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