

**METROPOLITAN DEVELOPMENT COMMISSION**  
**HEARING EXAMINER**  
**PETITION FOR VARIANCE OF USE**  
**NEGATIVE FINDINGS OF FACT**

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY. The expansion of an existing mini warehouse operation within the Transit-Oriented Development (TOD) overlay would not align with the purpose of the TOD overlay to maximize the economic development and public benefit by creating walkable urban villages and promoting economic mobility.
2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT CAUSE THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY TO BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER. The expansion of an existing mini warehouse operation within the TOD overlay that exceeds the maximum 0.5-acre would substantially affect the surrounding land uses in an adverse manner.
3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED AND THE CONDITION IS NOT DUE TO THE GENERAL CONDITION OF THE NEIGHBORHOOD. The site can continue to operate as a mini warehouse business as permitted by petitions 2018-ZON-001 and 2017-ZON-057.
4. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WOULD CONSTITUTE AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT. The site can continue to operate as a mini warehouse business as permitted by petitions 2018-ZON-001 and 2017-ZON-057.
5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN. The expansion of an existing use within the Transit-Oriented Development (TOD) overlay would not align with the purpose of the TOD overlay to maximize the economic development and public benefit by creating walkable urban villages and promoting economic mobility.

**DECISION**

IT IS, THEREFORE, the decision of this body that this VARIANCE petition is DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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