

LEGACY SENIOR RESIDENCES INDEPENDENT SENIOR LIVING  
WAIVER REQUEST

**REQUEST #1: Section 18.30.130: Type 3 Buffer for this proposed zoning R3 adjacent to Single Family R1 to south.**

18.40.240 D 2. The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

***See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required. Additional higher quality design of the rear of garages has been provided including stone wainscot and stone columns with varying rooflines. Also additional evergreen trees on south side of garages has been provided.***

b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

***The property is being developed as 2 story residential structure which would match height of what could be built in single family to the south.***

c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

***See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required.***

d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

***See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required.***

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the waiver.

(2) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

**Not applicable.**

---

**REQUEST #2: Section 18.15.030 B: Transparent Glass on primary facades 25%. On this building the primary facade is east, south and north**

18.40.240 D 2. The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

**Waiver for the 25% is requested on the north (20%) and east (17%) primary facades. The south façade meets this requirement at 25%. Additional windows were provided on the building to get as high glass percentage as reasonable on these 2 facades. Also additional detailing on the building of stone, architectural features and varying roof lines provide items that exceed standards, which provides for a well-designed and attractive building. We have also provided faux windows on the exterior of the storm shelter.**

b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

**The adjoining residential properties will not be negatively affected by the waiver request for reduction in glass percentage. Additional architectural features and high quality materials have been provided on the building.**

c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

**We have exceeded landscape requirements on the project, and have preserved a significant stand of existing mature trees to the west of the project.**

d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

**Same as mentioned above.**

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative [site](#) design, [building](#) design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the [waiver](#).

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted.

***Denial of this variance would cause building to have additional windows that may not work well with interior layouts (such as windows in bathrooms, closets, utility rooms, etc.***

---

**REQUEST #3: Section 18.15.030: Residential Finish Floor Above Sidewalk: 18 inches Minimum**

18.40.240 D 2. The [Approving Authority](#) may approve the [waiver](#) if the [applicant](#) demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the [plat](#) or [site development plan](#):

a. An alternative higher quality [development](#) design with no negative impacts to either the residential or nonresidential properties.

***The intent of this requirement is for multifamily with exterior door unit entrances facing the street to relate to the street section, by slightly elevating the unit above the street to provide an attractive structure which is immediately adjacent to the street. In this case, the building has internal hallway entrances into each unit and therefore the street relationship to the unit is not applicable.***

b. [Development](#) restrictions imposed on the property to ensure low impact land [uses](#), low scale [buildings](#) and a [site](#) design arrangement in which [adjoining](#) residential properties will not be negatively impacted by any change in the applicable regulations.

***The project actually provides a positive benefit to adjacent properties by having a large setback from the street with lots of landscaping, and the building is sitting slightly below street grade due to fall across the site, which lessens the impact of the 2 story height.***

c. Existing topography, hedgerows or [natural features](#) provide significant [screening](#) and an appropriate [buffer](#) for [adjoining](#) properties.

***We have provided more landscaping than a typical multi-family building that faces the street for which this requirement is applicable.***

d. Significant [buffers](#) are provided on [adjoining](#) residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

**The adjoining properties are not negatively affected by this waiver request.**

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative [site](#) design, [building](#) design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the [waiver](#).

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted.

***Requiring that the building be placed 18" above the sidewalk elevation would cause the building finish floor and site grades to be much higher than they would normally be, and would cause the site to be elevated above the natural terrain excessively. This could negatively impact the trees we are proposing to save at the west side of the building. Also it would be a financial hardship for the developer as additional soil would need to be imported into the property.***