

Tab 10 – Written Justification for Requested Variations

Housing Opportunity Development Corporation (HODC) seeks an amendment to the ordinance approved on July 10th, 2017, which granted preliminary approval of a planned unit development in reference to the Heart's Place development proposal located at 120-122 Boeger Dr. We ask the Village to amend said ordinance to grant additional variances as required to allow for a shift in the unit mix to now include a total of eighteen (18) units, consisting of ten one-bedroom apartments and eight two-bedroom apartments for a total of (26) twenty-six bedroom in the development. The preliminary approval from July 2017 included a unit mix of 16 apartments for a total of thirty-two (32) bedrooms. The additional variances requested are as follows:

1. A variation from Chapter 28, Section 5.1-8.4, Minimum Lot Size, to allow a reduction to the minimum lot size per dwelling unit from 2,400 to 2,251 sq. ft.
2. A variation from Chapter 28, Section 11.4., Schedule of Parking Requirements, to reduce the parking requirements for the proposed project from 37 to 33 parking spaces.

Below please find a written justification to support the requested variances, as listed above.

VariANCES

We respectfully request the following additional zoning variances for the project, based on the criteria identified under each respective variance:

1 A variation from Chapter 28, Section 5.1-8.4, Minimum Lot Size, to allow a reduction to the minimum lot size per dwelling unit from 2,400 to 2,251 sq. ft.

- a) *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.*

The scarcity of the state and local resources that will be employed to finance the construction of the proposed development demands that Heart's Place provide the maximum amount of dwelling units through the smallest possible investment of such scarce resources. The necessity to increase the unit count, and thus decrease the lot size per unit, derives from a need to decrease the overall development cost per unit in order to increase the efficacy, in terms of total dwelling units provided, of the public and private resources that have been investment in this project. A reasonable return on this investment therefore requires a reduction to the minimum lot size per dwelling unit.

- b) *The plight of the owner is due to unique circumstances.*

While the proposed owner of the lot in question, Heart's Place, LP, has successfully obtained the necessary funding commitments for the construction of the project, it also has the responsibility of making sure public resources are utilized in an efficient manner. The owner has thus committed to reducing, inasmuch as possible without impacting the quality of the final product, the per unit cost of the proposed housing project. Protecting public resources is a concern that most developers do not face; this is a unique circumstance of the project that creates the need for the requested variation. Heart's Place meets the goals of the local affordable housing ordinance as well, which can be a contradictory to the local zoning code when not amended.

- c) *The variation, if granted, will not alter the essential character of the locality.*

The approved PUD ordinance allows for the development of a building containing 16 two-bedroom units. Per the Village's own calculations, that equates to a maximum occupancy of 64 persons – assuming the maximum occupancy of two individuals per bedroom. The currently proposed configuration includes 10 one-bedrooms and 8 two-bedrooms, for a total of 26 bedrooms. This would translate to a maximum occupancy of 52 persons, a near 20% drop in human density. While the local code is written to only

analyze density by dwelling units, that does not account for the family size and impact on the site. The new proposed configuration would therefore create an even smaller stress on the area's existing infrastructure than the proposal that was approved on July 10th. It will not, therefore, alter the essential character of the locality.

2. A variation from Chapter 28, Section 11.4., Schedule of Parking Requirements, to reduce the parking requirements for the proposed project from 37 to 33 parking spaces.

- a) *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.*

As highlighted above, the property is highly unlikely to yield a reasonable return on the investment of public and private resources that make it possible without an increase in the number of units. As discussed during the preliminary PUD approval process, the total acreage of the site make it impossible to provide more than the proposed 33 parking spaces while still abiding by the required setback, landscaping, and building design requirements. This variation on minimum parking requirements thus becomes necessary for the unit increase, on which the reasonability of this project's return on investment depends, to be feasible.

- b) *The plight of the owner is due to unique circumstances.*

Section 11.4 of the zoning code does not explicitly specify a minimum parking requirement for Permanent Supportive Housing ("PSH") developments or for Care Facilities, a category which the Village of Arlington Heights staff indicated PSH Developments fall under. Rather, it specifies that "[f]or uses not listed heretofore [...], parking spaces shall be provided on the same basis as required for the most similar listed uses." The current requirement for two spaces per dwelling unit is based on the requirement for Multiple Family Dwellings in the R-6 Zoning District, but this is not an accurate approximation given the differing driving and parking needs that can be expected from the future residents of the project. As the enclosed update to the parking study details, it is highly unlikely that the parking demand of the project will exceed 33 units at any point during its lifetime. Since there are no explicit parking requirements for PSH developments and the currently imposed requirements do not accurately reflect the proposed land use, the owner is faced with a unique circumstance that requires this variation on parking requirements.

- c) *The variation, if granted, will not alter the essential character of the locality.*

As explained in the above-mentioned parking study, the automobile traffic and parking demand generated by Heart's Place will be minimal

based on lack of car usage. In fact, as demonstrated by the low rate of automobile ownership among residents of this type of development, the traffic and parking demands generated by Heart's Place is likely to be significantly lower than that generated by the surrounding businesses, health care facilities, and multifamily residences. Heart's Place will not create a demand for parking greater than the off-street parking spaces it supplies, and as such will not create spillover parking on the street and thus will not alter the essential character of the locality.