

Modification Request to the conditions outlined in Section 6.1050 of the UDO

As the petitioner, this letter is to officially request modifications in order to permit existing site conditions which deviate slightly from set code requirements. The intent of this request is to reuse the site located at 1100 SE Hamblen Road as currently developed.

Code requirements which the applicant requests relief from:

The section below details the specific code requirements which the applicant is seeking relief from, with justification statements provided for each request. In general, the site is currently developed with an established primary building, parking area, and storage yard. The intent of the new tenant and the purpose behind this modification request is to reuse the existing site in its current composition with minimal disruption to site design and operations. While the applicant acknowledges the intent behind the standard code requirements, it is our position that the design and condition of adjacent uses results in a situation where reuse of the existing site composition (in conflict with the 3 standards below) is in greater harmony and alignment with its surrounding environment than would be the case if the site was required to comply with the fencing and storage standards described below.

- 1. Structures and vehicles for sale, lease or rental, must be set back 30 feet from all property lines or in compliance with the district's setback lines, whichever is greater.**
 - a. [Justification Statement](#): The existing fencing and storage yard area on the site are directly adjacent to the south and west property lines with minimal, if any, setback from the property boundaries. These same conditions are mirrored on the adjacent industrial property to the south and west. Thus, the proximity of these like uses (storage yards) to one another negates any need for separation from one another (in the form of a 30' setback).
- 2. No fencing is permitted in the area forward of the main building or within the front yard setback if no building exists on the premises.**
 - a. [Justification Statement](#): The existing fence is located in front of the existing building on the southeast portion of the site. However, the extension of this fenced area is only present on the south side of the southernmost drive aisle and is generally aligned with the fenced storage yard immediately to the south on the adjacent property. In fact, on the adjacent property, the fenced storage yard extends ~700 feet in front of the building (towards SE Hamblen Rd) while the subject property's fence only extends ~80 feet in front of the building. Furthermore, this fencing does not extend any closer to the road than the existing building frontages of the properties immediately to the north (addressed as 1010 and 1020 SE Hamblen Rd) and maintains a landscaped area of ~30' in width between the fence and the back of curb.

3. All display or storage area must be paved and the vehicles/equipment arranged in an orderly manner.

- a. [Justification Statement](#): The storage area on the subject property is primarily an existing gravel lot which abuts adjacent properties to the north, south and west. The adjacent property to the south and west also has portions of its storage yard as gravel. The applicant is conducting a Geotech report showing that the surface can sustain the site. The applicant will remove and replace any areas that are of poor subgrade in the report. Any parking areas open to public use, as well as the portion of the storage yard immediately surrounding the building are paved. The applicant requests to maintain the portion of the storage yard which is currently gravel as such.