

We are in the process of consolidating the three subject properties into a single parcel. One of the items that was identified at Sketch Plat was the requirement to obtain a Variance to the Integrated Development Ordinance (IDO) Section 5-1(D)(2) and a Wavier for Table 7.2.29 of the Development Process Manual (DPM) to allow the existing non-conforming 6'-8" wide sidewalk and zero setback along Central Avenue to remain.

We have filed for a Variance to the Zoning Hearing Examiner for the 6' to 8' minimum front setback to the IDO Section 5-1(D)(2) for our Main Street sidewalk that is less than 10' in width.

This request is waiver for all three dimensional standards for the Main Street Pedestrian Realm as identified in Table 7.2.29. We are seeking relief from the Frontage Zone and Landscaping Buffer Zone as well as a waiver to reduce the Sidewalk Width from 10' minimum to allow the existing 6'-8" concrete sidewalk to remain.

Below is the comment from the PR-2024-010933 Sketch Plat (application number was PS-20204-00160) for easy reference.

- **\*Demonstrate compliance with section 7 of the DPM Table 7.2.29 regarding the 5-ft. Sidewalk width and 4-6 ft. landscape buffer width requirements.**  
**\*Verification of DPM standards per Transportation\***  
 Central is a Main Street and requires 10' to 12' sidewalk with a 6' to 8' landscape buffer.  
 Please provide documentation showing that you are meeting this requirement.

The following addressed the criteria in IDO Section 6-6(P)(3)(a). Each of the 10 criteria are listed, and the response provide below:

1. *Any of the follwing criteria applies.*
  - a. *There are pre-existing obstructions that cannot be easily of economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.*  

**This site was constructed prior to 1959 with a public ROW that is only approximately 80' wide along the parcel frontage. Central Avenue previously had parallel parking on both sides as well as two travel lanes each direction. Based on that the space remaining for the sidewalk on each side is approximately 6'-8" (from back of curb to face of the building).**  
**The building in this seciton of Central Avenue were constructed with Zero Building Setbacks. Parcel on the west and east of the subject propoerty also have the same narrow sidewalks and zero setbacks.**
  - b. *The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archaeological, and/or architectural significance.*
  - c. *The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standardds in that location.*

d. *Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivisions, in accordance with accepted principles of site planning.*

2. *The Waiver will not be materially contrary to the public safety, health or welfare.*

**This section of Central Avenue was established with an 80' public right-of-way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of public safety as other parcels in this historic section of Central Avenue.**

3. *The Waiver does not cause significant material adverse impacts on surrounding properties.*

**This section of Central Avenue was established with an 80' public right-of-way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of setback as other parcels in this historic section of Central Avenue.**

4. *The Waiver will not hinder future planning, public right-of-way acquisition, of the financing or building of public infrastructure improvements.*

**This section of Central Avenue was established with an 80' public right-of-way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of setback as other parcels in this historic section of Central Avenue. Public Infrastructure improvements within this section of Central are already in place and if alterations are proposed, will need to be contained within the Public ROW.**

5. *The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan of policy, this IDO or any other City code or ordinance.*

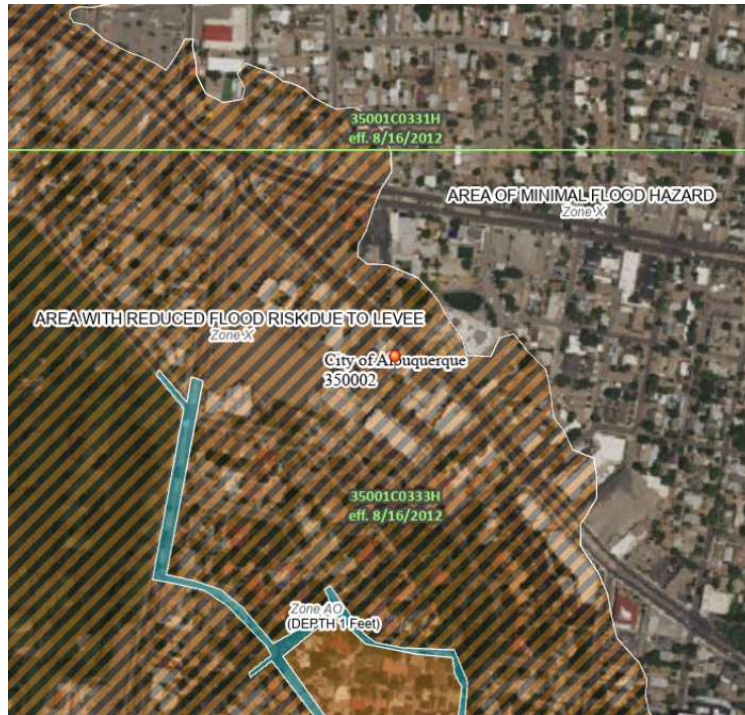
**There have been two City projects along Central Avenue in the recent past. The first was a Lane Diet project that reduced the travel lanes from two each direction down to a single travel lane for east and west bound traffic. The second project was for the ART dedicated lane. Neither of those projects made any modifications to the curb and gutter location or sidewalk width. Furthermore, the buildings on site along the Central Avenue were constructed prior to 1959 and the adoption of Zoning Codes and implementation of the IDO. This sidewalk waiver does not conflict with any known goals or provisions of the City, or County.**

6. *The Waiver will now allow, encourage, or make possible undesired development in the 100-year Floodplain.*

**This parcel is not within an Area of Reduced Risk due to Levee.**







7. *The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*

**The site is not within any Character Protection, Historic or View Protection Overlay Zones per the IDO Interactive Maps.**

8. *The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards of the zone district where the lot is located, unless a deviation to such standards are within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.*

**The proposed Waiver are to allow an existing condition to remain. We are not seeking a Deviation.**

9. *The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).*

**The propsoed Waiver is to allow the existing conditions to remain. The request is to allow for the existing sidewalk to remain, without the need to encroach into Centerl Avenue and creating a drainage concern/issue. The current condition is about 6'-8" sidewalk width between the back of sidewalk and the face of the existing building.**

**The waiver for the Landscaping Buffer and Frontance Zones are also the minimum that will allow for the existing conditions to remain.**

10. *If the request is for a Waiver to IDO Sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contributire to the public welface, and the absence of a sidewalk will not create a gap in an existing sidewalk system entended to 1 or more sides of the subjet property.*

**The propsoed Waiver is a request to allow existing conditions that is approximately 6'-8" width to remain. The sidewalk width is matching the adjacent parcels. We are not proposal to have any gaps in the accessible route for the public along Central Avenue along the parcel frontage.**





1959 Aerial from COA Advanced Map Viewer.





Street view Image from Northeast.

Thank you for your consideration. We look forward to hearing from you.  
Please do not hesitate to contact me on my cell (505) 463-4503 if you have any questions or require additional information.

Sincerely,

David A Aube

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CC: P:\2426 Garcia's Kitchen\20-Admin & Correspondence\Permit Comments\DHO Sidewalk Waiver\Justification Letter Garcias Sidewalk Wavier DHO 5-1-25.doc