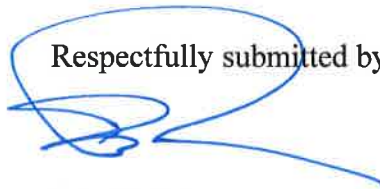


Attachment A:  
Findings of Fact for Variance-additional primary structures  
Project: DF Property Holdings, LLC     Docket \_\_\_\_\_

The purpose of this application is to request a Variance allowing for construction of a proposed 13 3-story buildings, 312-unit apartment complex. Although Multi-family Dwellings are permitted as a Special Exception Primary Use under the current Mixed-use, regional center (MXR) zoning classification, only one primary structure is permitted per lot. The subject real estate is located in Thompson Commercial Subdivision, within the Gateway Overlay District (GWOL), adjacent to U.S. 31 and consists of approximately 21.17 acres of vacant ground (Parcel no. 41-05-34-031-005.000-009) ("Real Estate"). A recorded Warranty Deed demonstrating ownership, Affidavit & Consent of Property Owner, Concept Plan and renderings are filed with the application.

1.     **General Welfare:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community as the Real Estate is well suited for the proposed multi-family development to serve as a transitional use from the commercial development to the east along Sloan Dr. (NSK Precision America Inc. and Koenig Equipment Inc.) and the single-family uses, Northpointe, and others on and along the west side of US 31.
  
2.     **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The effect on surrounding property values, as well as throughout the City, should be enhanced by the proposed development which is designed in a manner that conforms with the current conditions of the Real Estate and the surrounding properties.
  
3.     **Practical Difficulty:** The strict application of the terms of the Ordinance will result in practical difficulty in the use of the property because: The Real Estate consists of approximately 21.17 acres within a platted commercial subdivision. The Zoning Ordinance allows for multi-family use as a permitted Special Exception Primary Use. Applicant's multi-family development proposes 312 units, it would be impractical for that number of units to be constructed within a single building. Multi-family communities are, by their nature, typically made up of multiple buildings in a master planned community. The Special Exception for Multi-family would be highly impractical without this Variance.

Respectfully submitted by:



Eric W. Prime  
VAN VALER LAW FIRM, LLP  
225 S. Emerson Ave., Suite 181  
Greenwood, IN 46143