

APPLICANT RESPONSE STATEMENT- VARIANCES

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative. In the case of concurrent variances, a response to the standards below should be provided for each variance requested.

1. Explain requested variance.

The applicant requests a variance of Article VII – Downtown District Standards, Section 7.726 Street and Sidewalk Area requirements as it pertains to the requirement for a seven (7) foot landscape zone and a ten (10) foot sidewalk along Parkway 575.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The subject property has been developed and is a former Home Depot Garden Center. In sections along Parkway 575 there are existing underground stormwater detention facilities, stormwater structures, stormwater piping and concrete paving areas with curb and gutter which would fall within the sidewalk area requirements. Additionally, there is approximately a four (4) foot grade change between these facilities and the back of curb along Parkway 575. It is possible to construct the sidewalk and landscape zone in the area south of the existing entrance along Parkway 575. The variance is for the section of the subject property along Parkway 575, north of the existing entrance.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

In order to meet the sidewalk requirements substantial demolition of existing infrastructure and extensive regrading of the site. All the existing stormwater facilities and underground detention structure would have to be reconstructed elsewhere on site.

4. Such conditions are peculiar to the particular piece of property involved.

The subject property was originally developed prior to this Article being enacted. As such it was constructed to the limits of the codes in place at the time.

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

Because the property is already developed, forcing an extensive demolition and reconstruction of existing infrastructure would cause a restriction that other properties in District would not have to endure.

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

The stated intent of the Article is to promote pedestrian safety and increase pedestrian access. Sidewalk connection to the hotel parcel south of the property would be provided to allow access. To the north the sidewalk would terminate at the limit of physical constraints. The existing Camping World property to the north does not have a sidewalk for connection and R.O.W. restrictions prevent construction of a new sidewalk. Pedestrian access to the storage area on the subject property will only be through the existing Camping World site and access otherwise will be blocked by landscape screening or fencing.

7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

The combination of existing infrastructure and topography changes appear to be a special circumstance compared to the other properties in the area.

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8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

The requested variance is the minimum necessary to accommodate existing physical infrastructure that would difficult and expensive to remove and reconstruct.

9. The condition from which relief or a variance is sought did not result from willful action by the applicant

The condition from which relief or a variance is sought is existing and did not result from willful action by the applicant.

10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

No, the request for relief will not have negative impact on the concerns raised in this question.