

## 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.
  - a. Increase the allowed density from 12 to 14.5 units per acre. UDC Chapter 7, Article IV.
  - b. Reduce the front setback from 40 feet to 20 feet. UDC Chapter 7, Article IV.
  - c. Reduce the buffer adjacent to GC from 45 feet to 0 feet. LDO 7.602
  - d. Allow encroachment into 25 foot impervious buffer that is in addition to the 50 foot stream buffer for grading and stormwater facilities.
2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.
  - a. The property is unique because of the stormwater issues and its great access to highway 92 and existing commercial development. The property provides a unique opportunity to create a destination community with a mixture of residential products. The density is critical to creating this atmosphere.
  - b. The front setback needs to be reduced adjacent to Long Drive because it is not clear what should be the front setback with only limited frontage on a private street being Long Drive.
  - c. The neighborhood does not want to be separated from the commercial development so the buffer does not make sense. The goal would be to create walkability between the commercial and residential development.
  - d. The stormwater challenge is to eliminate an existing lake and to reestablish a natural stream buffer. The encroachment relates to creating the necessary stormwater facilities in a limited location.
3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The property is uniquely located and the requested variances are necessary to complete the proposed residential community with a mixture of rental and for sale units.

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

The property is unique given its location and the challenge related to the stormwater conditions and rehabbing the stream bank.

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

The adjacent properties are intensely developed and the property owner will be deprived of a right to a reasonable use of their land without the requested variances.

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

The location of this residential community is perfect because of the multiple accesses to highway 92 and the close proximity to jobs and retail.

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.

This property is unique as being the last undeveloped parcel in the back of intense retail development.

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 property owner is entitled to a reasonable development of the property and the variances are intended to create a reasonable value for the land.

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

The applicant is asking for a prospective variance and is not seeking a variance because of past actions of 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.

The variances do not negatively impact the public's health, safety or welfare in any manner.

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