

APPLICANT RESPONSE STATEMENT- VARIANCES LDO 7.888.1

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.

Applicant requests to allow setbacks per site plan: ten (10) feet front and side and five (5) feet rear for the single family detached portion of the development LDO 7.888.1.

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 is restricted by steep topography and stream bank buffers which limits the useable land.

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

Application of regulations would create practical difficulties and would limit further the buildable area of the site.

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

The property has existing conditions including the topography and stream buffers, but also an industrial building and a cell tower which limit where buildings can be placed.

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

Surrounding properties have been developed as residential, industrial and retail.

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

The requested setbacks are sufficient to create an attractive community, but will also enable the community to be walkable.

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 topography and stream buffers as well as the existing buildings on site do not apply generally to other land or buildings in the vicinity.

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.

Granting of the variance is necessary to the development of the property.

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

All conditions were existing on the site and were not caused 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.

This development would improve this area of Olde Rope Mill Road and would bring retail, civic, and residential development to this area.