
APPLICANT RESPONSE STATEMENT VARIANCES

1) **Explain requested variance.**

- a.) LDC § 7.753 – Reduce front setback from 25 feet to 20 feet;
- b.) LDC § 7.753 – Reduce side setback from 10 feet to 5 feet;
- c.) LDC § 7.753 – Reduce 45 foot buffer adjacent to GC to a 15 foot graded and replanted buffer;
- d.) LDC § 7.753 – Allow the 25 foot buffer adjacent to residential to be graded and replanted as necessary; and
- e.) LDC § 7.753 – Reduce the rear setback from 25 feet to 15 feet.
- f.) LDC § 7.753 – Reduce the lot sizes to the lot size chart as shown on the site plan.
- g.) Allow a 100 foot centerline radius for the road.

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's shape is very irregular and the existence of a power line easement through the center of the property severely limits the property's buildable area. The shape, size and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property
- b.) The property's irregular shape, the existence of a power line easement through the center of the property and a stream traversing the property southwest to northeast severely limit the property's buildable area. These conditions are unique to the subject property and necessitate the requested variance.
- c.) The property's irregular shape, the existence of a power line easement through the center of the property and a stream traversing the property southwest to northeast severely limit the property's buildable area. These conditions are unique to the subject property and necessitate the requested variance
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- f.) The lot size reduction will allow the homes to be placed in a manner that deals with the odd shape of the property and the utility easements on the property
- g.) The altered radius of the roadway will allow the development to work around the development issues related to shape of the property.

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

- a.) Application of LDC standards as they relate to the subject property would create both a practical difficulty and an unnecessary hardship due to the fact that maintaining a minimum 25 foot front setback would result in the construction of smaller, less expensive homes, which would serve to reduce the value of surrounding properties. The 20 foot setback will create less impervious surface and still allow plenty of parking area so cars do not block the sidewalks.
- b.) Application of the LDC standards as they relate to the subject property would create both a practical difficulty and an unnecessary hardship due to the fact that maintaining a minimum 10 foot side building setback would result in the construction of smaller, less expensive homes, which would serve to reduce the value of surrounding properties.
- c.) Application of the LDC standards as they relate to the subject property would create both a practical difficulty and an unnecessary hardship due to the fact that maintaining the buffer against the GC property is unreasonable especially when the adjacent property owner agrees to the reduction.
- d.) Application of the LDC standards as they relate to the subject property would create both a practical difficulty and an unnecessary hardship due when a better buffer can be created if the buffer can be graded and replanted than leaving the existing uneven vegetation.
- e.) Application of the LDC standards as they relate to the subject property would create both a practical difficulty and an unnecessary hardship due to the fact that maintaining the minimum rear setback unnecessarily limits the placement of the home on the lot.
- f.) The flexibility in lot sizes allows the development to handle creeks, utility easements and the odd shape of the property in a way that allows the best positioning of homes.
- g.) The radius of the road is adjusted slightly to accommodate topographical and other issues related to the property shape.

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

- a.) The property's irregular shape, the existence of a power line easement through the center of the property and a stream traversing the property southwest to northeast severely limit the property's buildable area. These conditions are unique to the subject property and necessitate the requested variance.
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5) A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

- a.) A literal interpretation of the LDC would deprive the Applicant of rights that others in the same district currently enjoy.
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6) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

- a.) The relief if granted would not cause a substantial detriment to the public good nor would it impair the purpose and intent of the LDC.
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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.

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

- a.) The requested is the minimum necessary to accommodate the proposed structures and allow the property to be developed in an economically feasible and physically practical manner.
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9) The condition from which relief or a variance is sought did not result from willful action by the applicant.

- a.) The condition for which the variance is sought is not the result of any willful action by the Applicant.
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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 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.

- a.) Approving the variance will not impair an adequate supply of light and air to adjacent property nor will it 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 inhabitants of the City.
- b.) Approving the variance will not impair an adequate supply of light and air to adjacent property nor will it 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 inhabitants of the City.
- c.) Approving the variance will not impair an adequate supply of light and air to adjacent property nor will it 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 inhabitants of the City.
- d.) Approving the variance will not impair an adequate supply of light and air to adjacent property nor will it 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 inhabitants of the City.
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