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## APPLICANT RESPONSE STATEMENT VARIANCES

**1) Explain requested variance.**

- a.) LDO § 7.7126 (13) – Remove alley requirement;
- b.) LDO § 7.727 – B-Street – Allow twenty-two (22) foot road section;
- c.) LDO § 7.727 (7) – Remove requirement for street trees;
- d.) LDO § 7.727 (4) – Remove requirement for sidewalk along private road;
- e.) LDO § 7.728 – Reduce the front setback to 5 feet off back of curb;
- f.) LDO § 7.728 – Reduce side setback to zero (0) feet with three (3) foot building separation for detached homes;
- g.) LDO § 7.728 – Reduce rear setback to ten (10) feet;
- h.) LDO § Chapter XVII, Article III – Allow impervious area in seventy-five (75) foot impervious stream buffer as shown;
- i.) LDO § Chapter XVII, Article III – Allow grading into the fifty (50) foot undisturbed stream buffer; and
- j.) LDO § 7.506 (8) – Allow no commercial along Main Street Road Frontage.

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

The property's shape is narrow which creates challenges to the usability of the property. Additionally the state waters that traverse the property create access and grading challenges. These conditions are peculiar to the property.

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

The narrowness and the state water combined with the DownTown (DT) requirements create a practical difficulty in developing the property in a way that is consistent with the goals of the Woodstock Comprehensive Plan.

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

The conditions that create the need for the variance are peculiar to the property and relate to the desire to develop the property consistent with the DT-RO zoning for a use that is consistent with the Comprehensive Plan.

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

A literal interpretation of the LDO 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.**

The relief if granted would not cause a substantial detriment to the public good nor would it impair the purpose and intent of the LDO. The applicant proposes to develop the property for a use and intensity that is anticipated by the Comprehensive Plan and the underlying DT-RO zoning classification.

- 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 property's narrow shape and the existence of state waters limit the property's buildable area. These conditions are unique to the subject property and necessitate the requested variance.

- 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.**

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.

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

The condition for which the variance is sought is not the result of any 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 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.**

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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