
APPLICANT RESPONSE STATEMENT VARIANCES

1) Explain requested variance.

- a. 7.728 – Eliminate the 100% street façade frontage and build to requirement on Bentley Parkway and Arnold Mill Road.
- b. 7.729 – Waive the storefront treatment.
- c. 7.726 – Variance to allow parking next to the street.
- d. 7.727 – Variance to reduce the supplemental and clear zone on Bentley Parkway and Arnold Mill Road.

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 has steep topography along Bentley Parkway and Arnold Mill Road that limit the space for the supplemental zone and clear zone associated with the sidewalk. Additionally, the placement of the building and the parking is limited by the topography and the desire to keep the historic looking home containing the restaurant. These factors create the need for the proposed variances.

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

The property could not be redeveloped in an economically feasible way without the proposed variances.

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

The topography and shape of the property is peculiar to this property.

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

The applicant is deprived of the right to reasonably develop the property and this cannot occur without the proposed variances.

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

The public good and the intent of the Downtown district is not impaired by the proposed variances. The proposed site plan provides pedestrian access along both roads and also creates an attractive streetscape which is one of the purposes of the Downtown district.

- 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 facts that lead to the proposed variances are peculiar and particular to this land and do not apply to other properties in the area in general.

- 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 infrastructure improvements required by the ordinance create an economic taking of the applicant's property. The requested variances ameliorate the expense and property required to make the infrastructure improvements required by the code.

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

The size and topography are conditions of the property that limit the use of the property without the proposed variances.

- 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.**

The neighbors light or air is not impaired by the variances nor is there any other life or safety issues created by the proposed variances.

RECEIVED NOV 04 2016