

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.

Applicant seeks a variance from the 40 foot landscape zone along Highway 92 as required by the overlay to a 20 foot landscape zone.

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, while under a single ownership and shown as a single tract of land on the City Zoning Map is actually three separate tracts, each under one acre, separated by dedicated easements for ingress and egress. The resulting size of each tract together with the intrusion of easements for maintenance and utilities held by the State DOT and sharp drop offs on the Southern portion of the property severely limit the usable space of each tract thereby causing a hardship to the owner/applicant as to size, shape and topography.

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

Due to the effect of the regulation for a landscape buffer, the usable area is further restricted on an already small area.

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

To Applicants knowledge no other property in the area is affected by the GDOT easements for maintenance and utilities along Highway 92 affecting the use and usability of their properties as well as the topography drop along the southern boundary.

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

Yes, based upon a visual review of the adjacent and nearby properties they do not appear to have been required to comply with the landscape zone requirement or maybe grandfathered in prior to the Overlay.

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

No, as stated above, there not appear to be any compliance with the landscape zone on other properties in the area. If the variance is approved, the applicant will still be providing a 20 foot landscape zone which will still meet the desired effects of the Overlay requirement.

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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maintenance and utilities along Highway 92 affecting the use and usability of their properties as well as the topography drop along the southern boundary.

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.

Because of the effect of the requirement on the subject property due to its size, shape and topography, the applicant is denied use of a considerable portion of the property.

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

No, the condition resulted from a GDOT condemnation and taking of property from the owner.

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.

No, the requirement is a passive requirement to improve the visual look along Highway 92 and has no impact nor raising any concerns addressed in this question.

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