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## APPLICANT RESPONSE STATEMENT VARIANCES

1) **Explain requested variance.**

Reduce the front and side setback from 25' to 20' and from 15' to 5' respectively. Article IV zoning performance standard.

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 and by reducing the setbacks the project can limit the amount of grading. By moving the homes closer to the street the internal street, the visual impact from adjacent properties and roadways is decreased. The side setback variance allows the homes to be closer together reducing the length of the street which greatly reduces the grading required for the development.

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

Applying the regulations would only needlessly increase grading with no benefit to the public. There would need to be large retaining walls along South Cherokee Lane and significant grading to create the level ground required for the development without the variances.

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

The property is unique because of the steep topography and the limitation created by the stream buffer. These limitations create the conditions that require the variances.

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

The extreme topography is unique to this property. This condition does not apply to other properties.

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

The setback variances are all internal to the project so there is no detriment to the public. In fact, there are several benefits to the public: 1) Less grading is good for the environment, 2) The homes will be further from adjoining properties and roadways decreasing visual and noise impact, 3) The proposed site plan with the

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variances creates significant open space which is good for visual buffers, water quality and stormwater management.

- 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 is unique because of the steep topography and this is peculiar to this property.

- 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 property owner is entitled to a reasonable use of their property and the variance request is necessary for the preservation of this property right.

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

The applicant did not create the condition that relates to the variance request.

- 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 variances are all internal to this new neighborhood so it does not have any negative impact on the neighbors. In fact, there are several positive benefits as described above.

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