

## APPLICANT RESPONSE STATEMENT- VARIANCES LDO 7.887.1.a

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 requests to allow more than 42% residential in the Technology Park Overlay. The intent of the Technology Park Overlay is to encourage a mix of uses along Olde Rope Mill Road. The Applicant's plan includes a mix of uses including retail, civic, residential and an existing light industrial building. The Technology Park Overlay has changed dramatically in size with a significant amount of land being rezoned to the Form Based Code. The intent was to create a balance of uses and when the entire area is considered together, the proposed residential use is consistent with the original 42% residential use.

**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 is encumbered by topographic issues as well as a stream. The stream bank buffers limit the amount of buildable area and the steep topography limit the type of product that can be built. An industrial building would not be suitable for this site because significant grading would be required and would not be allowed within the stream bank buffers. Therefore, the property is more suitable for the proposed single family and townhome type product.

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

Not allowing more than 42% residential for the subject property would create an unnecessary hardship for the topographic and stream bank issues discussed above. Additionally, the property owner has created a mixture of uses consistent with this goal on their own property.

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

The steep topography and stream bank are peculiar to the subject property.

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

Surrounding properties have been developed for retail, light industrial, institutional and residential uses. The subject property enjoys easy access to I-575 as well as to dining and entertainment options in downtown Woodstock. The reason this property has not been developed until now is the issue with the topography.

**6. Relief, if granted, would not cause substantial detriment to the public good, or**

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**impair the purposes and intent of this ordinance.**

The intent of the ordinance is to create a mix of uses. The proposed development has more of a mix of uses than surrounding developments.

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.**

Other land in the vicinity do not have the steep topography and the stream bank issues that this property has.

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.**

The Applicant seeks to develop the property as others have in the surrounding area. There is not much available land for building with such a large expanse of land being owned by the U.S. GSA

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

These conditions are pre-existing to the land and do not result from any 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 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.**

The proposed mixed use development with retail uses, townhomes and single family homes will put houses close to jobs, shopping and the interstate. The proposal will not create a public nuisance.