

SECTION VI – Dobbs Road and Arnold Mill Road

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 the requested variance.

Variance from Section 7.729.1c. to allow homes to front on the greenspace mews that is created between the streets.

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 is relatively narrow and has an odd shape and is traversed by a stream. The buildable area is limited and the unique street layout creating common greenspace mews between the rows of homes creates the community common space for the homes.

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

The property is narrow and impinged by a stream making the conditions that make the mews a useful and attractive feature.

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

The property is unique and the conditions are unique 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 has a right to the reasonable use of their property and the proposed use of the mews makes for an attractive and reasonable use of the property.

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

The applicant can propose details about the mews that will make the city comfortable that the homes will be fronting on active greenspace.

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 lot size and shape is unique to this property and creates the condition that results in the variance request.

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 has a right to the reasonable economic return on their property. The variance relates to 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 lot and stream conditions that result in the need for the variance.

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 County.

The granting of the variance will not create unreasonable congestion of the streets or hurt the air or in any other way damage the public's health safety and welfare.

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1. Explain the requested variance.

Variance from Section 7.727.6a to eliminate the landscape strip between the commercial parking lot and Main Street.

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 is relatively narrow and has an odd shape and is traversed by a stream. The buildable area for the commercial building and parking lot is relatively narrow creating the encroachment into the stream buffer is minimal and is related to the narrow shape of the property.

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

It would be difficult to develop the relatively narrow property traversed by a stream without some reduction in the buffer along Main Street.

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

The property is unique and the conditions are unique 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 has a right to the reasonable use of their property and the proposed buffer reduction is relatively minor. The applicant will propose additional screening features in lieu of the buffer.

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

The applicant can propose other features to screen the parking and the length of the landscape strip reduction is relatively narrow.

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 lot size and shape is unique to this property and creates the condition that results in the variance request.

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 has a right to the reasonable economic return on their property. The variance relates to 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 lot and stream conditions that result in the need for the variance.

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 County.**

The granting of the variance will not create unreasonable congestion of the streets or hurt the air or in any other way damage the public's health safety and welfare. The applicant can compensate in other ways any negative impact created by the reduced landscape strip adjacent to Main Street.

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1. Explain the requested variance.

Variance from Section 7.721.3 to allow one housing type. The project includes 43 homes of the same housing type.

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 is relatively narrow and has an odd shape making the development of different housing types difficult.

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

It would be awkward to force multiple housing types in a relatively small subdivision with limited width and an odd shape.

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

The property is unique and the conditions are unique 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 has a right to the reasonable use of their property and the proposed development is consistent with similar developments in the area.

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

One of the biggest challenges for downtown Woodstock is providing relatively affordable housing. The goal of this development is to bring a product that isn't available at a reasonable affordable price.

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 lot size and shape is unique to this property and creates the condition that results in the variance request.

- 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 has a right to the reasonable economic return on their property. The variance relates to 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 market and lot conditions that result in the need for the variance.

- 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 County.**

The granting of the variance will not create unreasonable congestion of the streets or hurt the air or in any other way damage the public's health safety and welfare.

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1. Explain the requested variance.

Variance from Section 17.220 to allow impervious surfaces in the 75-foot buffer as shown on the site plan.

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 is relatively narrow and has an odd shape and is traversed by a stream. The encroachment into the stream buffer is minimal and is related to the narrow shape of the property.

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

It would be difficult to develop the relatively narrow property traversed by a stream without some encroachment into the stream buffers.

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

The property is unique, and the conditions are unique 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 has a right to the reasonable use of their property and the proposed stream buffer encroachment is relatively narrow.

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

One of the biggest challenges for downtown Woodstock is providing relatively affordable housing. The goal of this development is to bring a product that isn't available at a reasonable affordable price. The stream buffer encroachment is minor and offset by areas where the buffer is exceeded.

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 lot size and shape are unique to this property and creates the condition that results in the variance request.

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 has a right to the reasonable economic return on their property. The variance relates to 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 lot and stream conditions that result in the need for the variance.

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 County.**

The granting of the variance will not create unreasonable congestion of the streets or hurt the air or in any other way damage the public's health safety and welfare.

The applicant can compensate in other ways any negative impact on water quality due to the stream encroachment.