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## **APPLICANT RESPONSE STATEMENT VARIANCE 3**

As directed by the City of Woodstock, the Applicant responds to the following queries that the City of Woodstock has determined are relevant in balancing the interests 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.

**1) Explain requested variance.**

To allow the T-5 block at the intersection of Ridgewalk Parkway and Ridge Trail to be used for temporary parking with additional temporary greenbelt along Ridgewalk Parkway to accommodate recreation space and additional overflow parking as depicted in the filed site plan.

**2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.**

The applicant is preserving the integrity of the T-5 block that is created at the intersection of Ridgewalk Parkway and Ridge Trail for potential future development that will be compatible with Church's parking demands and use. The applicant is not seeking any variances for the eventual development of this block. However, the applicant would like to use this block for parking and it will be creating a recreational space along Ridgewalk Parkway which will also accommodate some additional overflow parking. This recreational space will be grass and landscaped and will be used for outdoor recreation, special events and similar uses.

**3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

The form based code does not directly address the temporary use of this land which is being proposed to keep to the integrity of this block available for future development.

**4) How the special conditions and circumstances do not result from the actions of the applicant.**

The applicant removed proposed buildings from the subject block so it could be developed as a traditional T-5 block in the future. However, in the interim, the property is needed for parking and the creation of the proposed recreational space.

- 5) **How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

The applicant is seeking approval of the use of this block in the interim and if there are special conditions for similarly situated properties, they can request similar variances.

- 6) **How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

The applicant is not relying upon the use of other property to justify the variance request.

- 7) **Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).**

The applicant is seeking approval of this request so that this block can remain available for potential future development.

- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The proposed interim use of the subject block will keep it available for potential future development. Additionally, the recreational greenspace along Ridgewalk Parkway will be aesthetically pleasing in its present condition while allowing the applicant to use the block for its parking demand that occurs once per week.

This the 1 day of Nov, 2012.

By: SAMS, LARKIN & HUFF, LLP



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Parks F. Huff, Esq.