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## **APPLICANT RESPONSE STATEMENT VARIANCE 4**

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.**

Variance from 18.408 2.h regarding moped and bicycle parking spaces.

**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 proposed use of the subject property requires creating parking spaces for families that come to services on Sunday morning. The parking ratio of bicycle spaces to car spaces is not consistent with the proposed use. The applicant proposes twenty (20) bicycle racks in lieu of the one (1) space per twenty (20) required in the code.

**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.**

Literal interpretation of the Zoning Ordinance does not take into account the weekly demand for parking for families that attend church on Sunday morning. The ratio of bicycle riders to cars is not reflective of this use.

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

Literal interpretation of the Zoning Ordinance does not take into account the weekly demand for parking for families that attend church on Sunday morning. The ratio of bicycle riders to cars is not reflective of this use.

**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's request is based upon the proposed use and if other uses have similar exceptions, they can request a similar variance.

- 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.**

A variance does not grant other uses on other properties the right to use a similar variance.

- 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's proposed bicycle racks will meet the needs of the code based upon anticipated bicycle demand.

- 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 zoning ordinances encourage the creation of parking for bicycles and mopeds. The applicant will provide sufficient bicycle racks for this use and traditional car parking spaces can be repurposed for multiple moped parking if needed. The church employees a team of volunteers to park vehicles on Sunday morning and these volunteers can easily create the parking needed for specific uses.

This the 1 day of Nov, 2012.

By: SAMS, LARKIN & HUFF, LLP



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Parks F. Huff, Esq.