

## APPLICANT RESPONSE STATEMENT ANNEXATIONS AND REZONINGS

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 an annexation and/or rezoning, please respond to the following standards in the form of a written narrative:

1. Explain the intent of the requested zoning.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
3. How the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.
5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.
7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed zoning.

N/A

## 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:

1. Explain requested variance.
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.
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.
4. How the special conditions and circumstances do not result from the actions of the applicant.
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.
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.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).
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.

- See Schedule 4(b) attached hereto.

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3.7.13

SCHEDULE 4(b)

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**APPLICANT RESPONSE STATEMENT**

**VARIANCES**

**1. Explain requested variance.**

Applicant is an automobile dealership under contract to acquire the subject property (the "Property") for the purpose of redeveloping the Property into a car storage facility. To make the car storage facility feasible, Applicant requests a variance to reduce the buffer required in Section 7.928 of the Land Development Code (the "Code") from the required 40 feet to 25 feet. Applicant also requests a variance to exclude the trees and landscape islands that would otherwise be required for a public parking lot under Section 9.200(1(b) and (c) of the Code. Finally, Applicant requests the approval of double-depth parking spaces which are not specifically addressed by the Land Development Code. These requests are shown on the site plan attached hereto.

**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.**

A large detention pond on the northern part of the Property significantly reduces the area available to redevelop the Property.

**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.**

A literal interpretation would further reduce the area available to redevelop the Property such that Applicant could not use the Property.

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

The requested variances are necessary for Applicant to redevelop the Property due to the lack of alternatives for expanding Applicant's existing automobile dealership, and because of the development constraints in having an existing detention pond occupy much of the property.

**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 City of Woodstock has traditionally reviewed these types of variances on a site specific basis. Without the requested variances, the Property could not feasibly be

redeveloped as a car storage facility. The requested variances will allow for the efficient use of the Property while maintaining an adequate buffer to the residential development along the easterly boundary of the Property.

- 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 requested variances are necessary because the existing Code requirements and the detention pond reduce the available area of the Property such that redevelopment of the Property as a car storage facility would not be viable.

- 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 requested variances to exclude trees and landscape islands, as well as reducing the buffer is the minimum necessary to allow for the reasonable use of the Property as a car storage facility.

- 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 variances would allow Applicant to store vehicles in a location other than nearby commercial properties which will support the continued economic development of nearby commercial properties, while maintaining an adequate buffer for the residential properties along the eastern boundary of the Property.