
APPLICANT RESPONSE STATEMENT VARIANCES

1) Explain requested variance.

- a) Variance from Buffers Standards Woodstock LDO Section 7.602 to reduce the 45 foot buffer adjacent to RD property to a 10 foot landscape strip.
- b) Variance from Buffer Standards Woodstock LDO Section 7.601 to reduce the 35 foot buffer adjacent to Light Industrial Property to a 10 foot landscape strip.
- c) Variance from Chapter XVII of the Woodstock LDO for an existing pipe encroachment into the Stream Buffer as shown on the site plan and for any adjustments or improvements to this pipe that is needed to make the detention pond meet current development standards.
- d) Variance from Chapter IX of the Woodstock LDO so parking lot trees can be planted in the perimeter and not the center of the parking area for the storage of cars.

2) There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

- a) The property is adjacent to Corps of Engineer Land zoned RD. This land was acquired by the Corps as a buffer for the tributaries to Lake Allatoona. The land itself is a buffer and there is no need to add an additional buffer to this buffer. Additionally, the property has been graded and developed up to the property line so the proposed ten (10) foot wide landscape strip will be an improvement to the existing condition. Because the land is owned by the Federal Government, it is not subject to zoning regulations so the RD zoning category is really a nullity.
- b) The code requires a 35 foot buffer between GC and LI zoned property on each side of the boundary line. This would create a seventy foot wide buffer between LI and GC uses. However, the LI property is subject to the Technology Park Overlay which would limit the property to uses that are really compatible with GC zoning. Therefore, the buffer is rather meaningless and a waste of valuable property.
- c) There is an existing detention pond with a pipe that currently violates the 50 foot stream buffer. The best option is to leave the pipe in its current location. However, improvements may be needed to the pipe or outlet within the buffer area. Therefore, the variance request is to keep the existing pipe in place and allow for any needed repairs or improvements that are warranted to meet current detention and water quality requirements.

d) The proposed use is an automobile dealership with car sales. Some of the parking lot will be dedicated to the storage of cars for sale. Placing trees in parking lot islands in the area where cars are stored will only increase the size of the parking lot area and require more frequent washing of the cars to remove unneeded tree sap and debris. The applicant proposes to move the tree island trees to the perimeter instead of in the middle of the car storage lot.

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

The buffer variances relate to the actual use of the adjacent property and when properly considered, the buffers are not needed. The stream buffer variance is supported because it is better to keep the pipe in its current location than remove it and replace it. The tree island variance is related to the fact the parking lot is for the storage of inventory and is not a typical parking lot for employees or customers.

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

The conditions that relate to the proposed variances all are very specific to the fact the property adjacent to federally owned land and LI property that is compatible with the proposed use. The property is unique in that it is located on a dead end street surrounded on two sides by Corps of Engineer Land and I-575 on the western side.

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

A literal interpretation does not recognize the actual factors associated with the use of the property. A buffer between this use and LI property or property owned by the Corps is unnecessary given the proposed use.

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

The proposed variances will not have any detrimental effect to the public good or impair the purposes of the ordinances.

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 subject property is the only property with the conditions outlined previously.

8) **Granting of the application is necessary for the preservation and enjoyment of a property right and not merely as a convenience to the applicant.**

The property owner has a right to reasonable use of its property and without the granting of the variances, the use of the property is greatly hindered. He buffers are unnecessary and greatly limit the usability of the property for no public benefit.

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

The applicant has not created the situation that relate to the proposed variances. The variances all relate to the size, shape and topography of the property and the specific uses of adjacent property.

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 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 variances will not impair the use of adjacent or nearby property and the traffic and impact on the public infrastructure is less than could be allowed under the current zoning on the property. Carriage has a track record of operating successful businesses that provide good paying jobs and a much needed tax base for the area.

Respectfully submitted this 4 day of June, 2015.

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By: _____

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