

ATTACHMENT 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. In the case of concurrent variances, a response to the standards below should be provided for each variance requested.

7.726.1 - Parking, Garage, Driveway and Access Requirements.

1. No parking shall be permitted between a building and the street without an intervening building, except in DT-GC (General Commercial) where the STREET FAÇADE FRONTAGE requirements have been met.

- 1 Explain requested variance.

Under Code Section 7.726.1: No parking shall be permitted between a building and the street without an intervening building, except in DT-GC (General Commercial) where the STREET FAÇADE FRONTAGE requirements have been met.

Applicant seeks relieve from this code section to allow on-site parking along Stonecroft Lane without being screened by a building and without the parcel meeting the STREET FACADE FRONTAGE requirements.

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

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel has two street frontages: Hwy 92 and Stonecroft Lane. The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and along the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from the being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable elevation. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

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

Due to the exceptional and extraordinary conditions noted above, the buildable portion of the property that is free of exceptional and extraordinary conditions, becomes a long and narrow rectangle. The excessive length is along Stonecroft Lane and the narrowness is along Hwy 92. Given such strict

JUL 29 2015

application of the Code Section 7.726.1, and more particularly the reference to the STREET FAÇADE FRONATGE, imposes an extreme hardship on the applicant and makes the site undevelopable.

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

The combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is magnified by the inability to access the parcel from HWY92 for all of the above reasons, and the parcels naturally deep rectangular shape. Approximately ½ of the parcel is not useable due to the exceptional and ordinary conditions.

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

The applicant seeks relief to waive the requirements of 7.726.1 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel.

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

The elevation of the proposed parking areas, will be 2-7 feet above the grade along Stonecroft Lane. The applicant will install decorative landscape elements such as plantings, fences etc. The proposed elevation and landscape elements will visually buffer the parking areas from Stonecroft Lane and enhance the pedestrian experience along Stonecroft Lane. The parcel is also a transitional use, located along the edge of two different zoning categories, as such relief will not impair the purpose and intent of this code section as applied to the district as a whole.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the most of the property zoned DT-GC.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in the either the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less that that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact . Thus there is be no adverse impact on surrounding property.

JUL 29 2015

7.726.5 – Parking, Garage, Driveway and Access Requirements

5. Parking and loading requirements shall be as established in section 7.760, Parking Performance Standards, except that all MULTIFAMILY residential uses, such as apartments/duplexes and condominiums, shall be required to provide one (1) space per bedroom, but not more than two (2) spaces.

1. Explain requested variance.

Under Code Section 7.726.5: According to parking requirements in section 7.760, professional office use requires a minimum of 3 spaces per 1,000 square feet. The applicant requests a variance to allow 4 spaces per 1,000 square feet. The remainder of needed spaces will be constructed in permeable pavement or similar "green parking", resulting in a total of 80 needed parking spaces.

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

This variance is requested due to an economic hardship caused by the maintenance and operation of permeable pavement parking spaces, which will incur the wear and tear of daily use by employees.

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

Increasing the minimum number of parking spaces, would avoid an economic hardship caused by the maintenance and operation of permeable pavement parking spaces, which will incur the wear and tear of daily use by employees.

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

The site is a transitional use detached from other buildings and parking opportunities that are available in the downtown area. Use of permeable pavement parking spaces for the majority of the site, which will incur the wear and tear of daily use by employees, is not a viable option.

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 of the ordinance would result in an economic hardship caused by the maintenance and operation of permeable pavement, which will incur the wear and tear of daily use by employees.

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

The inclusion of permeable pavement parking spaces is still included in the proposal on a quarter of the needed parking spaces, to meet regulations and intention of the ordinance.

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.

This variance is requested due to an economic hardship caused by the maintenance and operation of permeable pavement parking spaces, which will incur the wear and tear of daily use by employees.

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

The current zoning would require at least 54 of the necessary 80 parking spaces be constructed as permeable pavement. Permeable pavement necessitates an unnecessary hardship due to increased cost in operation and maintenance. Additionally approximately one-half of the site is not being developed due to the creeks and topo, so the overall site will have a significant amount of permeable area.

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

The condition for which this variance is sought did not result from willful action by the applicant. This variance is requested due to an economic hardship caused by the maintenance and operation of permeable pavement parking spaces, which will incur the wear and tear of daily use by employees.

JUL 29 2015

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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less than that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact. Thus there is no adverse impact on surrounding property.

7.726.11 - Parking, Garage, Driveway and Access Requirements.

11. Angled on street parking on both sides shall be permitted. Forty-five-degree angled parking shall require parking space length of nineteen (19) feet and two (2) travel lanes width of ten (10) feet. Sixty (60) degree angled parking shall require parking space length of twenty (20) feet and two (2) travel lanes width of eleven (11) feet. Ninety (90) degree angled parking shall require parking space length of eighteen (18) feet and two (2) travel lanes width of twelve (12) feet.

- 1 Explain requested variance.

Under Code Section 7.726.11: Angled parking is allowed on both sides of the street. Applicant desires to have angled parking on both the east and west sides of Stonecroft Lane as shown on the site plan. Applicant is seeking relief, if any is required, from installing SIDEWALK AREA, sidewalk CLEAR ZONES, sidewalk SUPPLEMENTAL ZONES as noted in section 7.727, for the parking located on the east side of Stonecroft Lane. Applicant does not own the property on the east side of Stonecroft Lane, thus installation of these features is beyond applicant's control. However, angled on street parking will serve as an amenity to the general public and allow the public to park and access the Greenway Trail head as shown on applicant's 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.

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane.

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

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane.

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

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane.

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

JUL 29 2015

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane.

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

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane. Applicant is installing a portion of the Greenway Trail. The installation of on street parking is desirable for the general public as a means to access and use the Greenway.

- 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.

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane. Applicant is installing a portion of the Greenway Trail. The installation of on street parking is desirable for the general public as a means to access and use the Greenway

- 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.

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane. Applicant is installing a portion of the Greenway Trail. The installation of on street parking is desirable for the general public as a means to access and use the Greenway

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

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane. Applicant is installing a portion of the Greenway Trail. The installation of on street parking is desirable for the general public as a means to access and use the Greenway

- 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 City.

On street parking is permissible under the code, but the applicant does not own or control the property on the east side of Stonecroft Lane. Applicant is installing a portion of the Greenway Trail. The installation of on street parking is desirable for the general public as a means to access and use the Greenway

7.727.4 - Street and Sidewalk Area Requirements.

1. Explain requested variance.

Under Code Section 7.727.4. This code section addresses a variety of requirements concerning streets and sidewalks. Applicant seeks blanket relief from this section for portions of the property located along the Hwy 92 frontage. This includes but is not limited to the installation of a SIDEWALK AREA, sidewalk CLEAR ZONES, sidewalk SUPPLEMENTAL ZONES and GREENWAY TRAIL REQUIREMENTS.

JUL 29 2015

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

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and along the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from the being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

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

Due to the exceptional and extraordinary conditions noted above, and specifically the extreme change in elevation immediately adjacent to HWY 92 along with the creek and flood plain buffers, strict application of the Code Section 7.727, imposes an extreme hardship on the applicant and makes the site undevelopable.

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

The location of the creek, flood plain, and topography along HWY 92 are particular to this property. All three adverse components are found immediately adjacent to the HWY 92 frontage.

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

The applicant seeks relief to waive the requirements of 7.727 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel. The HWY 92 frontage is already served by an existing sidewalk. Along most of the frontage, the grade falls of significantly on the south side of the sidewalk. In addition most of the area on the south side of the sidewalk is in the 100 year flood elevation and within the 25' state creek buffer.

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

The sidewalk already is installed along this section of Hwy 92 allowing pedestrian travel. The parcel is a transitional use for the zoning district. Relief from the other provisions of this section including the SIDEWALK AREA, sidewalk CLEAR ZONES, sidewalk SUPPLEMENTAL ZONES and GREENWAY TRAIL REQUIREMENTS would not impair the purpose or intent of the ordinance as a whole.

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.

JUL 29 2015

The combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the majority of the property zoned DT-GC.

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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. An existing sidewalk already serves pedestrian traffic along both the north and south sides of Hwy 92. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less that that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact. Thus there is no adverse impact on surrounding property.

7.728 - Site Limits.

- 1 Explain requested variance.

Under Code Section 7.728, Downtown Site Limits Table. The minimum Street Façade Frontage is 60%. Applicant seeks to waive this requirement due to the exceptional and extraordinary conditions that restrict the placement and orientation of the building on the site, along Stonecroft Lane.

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

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and long the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly

JUL 29 2015

affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from the being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

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

Due to the exceptional and extraordinary conditions noted above, the building needs to be sited with a parallel orientation to HWY 92. This is the widest portion of the parcel after deduction areas associated with creek buffers and flood elevation limits. Strict application of the Code Section 7.728, imposes an extreme hardship on the applicant and makes the site undevelopable.

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

The location of the creek, flood plain, and topography along HWY 92 are particular to this property. All three adverse components have the affect of making the buildable portion of the parcel a very narrow and deep shape. Most sites would not have two creeks plus flood plain to consider when siting the building. The first 100-120 feet of the property along HWY 92 are not buildable, although this percentage is included in the calculation of the Street Façade.

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

The applicant seeks relief to waive the requirements of 7.728 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel as there is not a feasible way to accommodate the parking behind the building. .

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

The parcel is a transitional use located at the edge of the zoning district. The parcel is not connected to the downtown grid of streets and retail business establishments. Given this there is limited pedestrian traffic using the sidewalk along Stonecroft Lane and there is a no retail orientation to the street. The applicant will install decorative landscape elements such as plantings, fences etc. The proposed elevation and landscape elements will visually buffering the parking areas from Stonecroft Lane and enhance the pedestrian experience along Stonecroft Lane. Granting this variance allows the commercial building to stay as close to Hwy92 as possible and thereby provides an additional buffer to the adjacent residential neighborhood. Relief will not impair the purpose and intent of this code section as applied to the district as a whole.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the majority of the property zoned DT-GC.

JUL 29 2015

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less than that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact. Applicant will buffer the parking area from the street with landscape elements. Granting this variance allows the commercial building to stay as close to Hwy92 as possible and thereby provides an additional buffer to the adjacent residential neighborhood. Thus there is no adverse impact on surrounding property.

7.729.1 - Street Façade Requirements.

Along the STREET FAÇADE of all new and renovated buildings and structures the following shall apply:

1. Sidewalk level uses shall have a primary pedestrian entrance, which faces, is visible from, and directly adjacent to required SIDEWALK AREA or adjoining OPEN SPACE, including but not limited to dwelling units, MULTIFAMILY lobbies, and individual business establishments. Where an individual use has a STREET FAÇADE on more than one (1) street, such entrance requirement shall apply along Main Street, or when on other streets, such requirement shall apply along the higher order of street shown on the DOWNTOWN DISTRICT REGULATING PLAN, with "A" being the highest order and "E" being the lowest. Where both streets are the same order, entrance orientation may be to either street.

- 1 Explain requested variance.

Under Code Section 7.729.1: The primary pedestrian entrance should be located on Stonecroft Lane as the "higher order" street for a parcel with two street frontages. Based on the exceptional and extraordinary conditions, it is not possible to locate the primary pedestrian entrance along either frontage.

Applicant seeks relieve from this code section to allow the primary pedestrian entrance to face the proposed parking area. Applicant will install a sidewalk and stairs along Stonecroft Lane to make a direct connection to the primary pedestrian entrance.

JUL 29 2015

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

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel has two street frontages: Hwy 92 and Stonecroft Lane. The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and along the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

The building' finished floor elevation will sit approximately 6 feet above Stonecroft Lane due to the site's topography.

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

Due to the exceptional and extraordinary conditions noted above, the buildable portion of the property that is free of exceptional and extraordinary conditions, becomes a long and narrow rectangle. The topography along Stonecroft Lane is significantly above the street grade as one travels from the intersection of Stonecroft Lane and Hwy 92 in a southerly direction on Stonecroft Lane. The combination of exceptional and extraordinary conditions, the placement of the building is limited to this proposed area. Given such strict application of the Code Section 7.729.1, imposes an extreme hardship on the applicant and makes the site undevelopable.

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

The combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is magnified by the inability to access the parcel from HWY92 for all of the above reasons, and the parcels naturally deep rectangular shape. Approximately 1/2 of the parcel is not useable due to the exceptional and ordinary conditions.

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

The applicant seeks relief to waive the requirements of 7.729.1 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel.

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

The parcel is a transitional use located at the edge of the zoning district. The parcel is not connected to the

JUL 29 2015

downtown grid of streets and retail business establishments. Given this there is limited pedestrian traffic using the sidewalk along Stonecroft Lane and there is a no retail orientation to the street. Granting this variance allows the commercial building to stay as close to Hwy92 as possible and thereby provides an additional buffer to the adjacent residential neighborhood. Applicant will install a sidewalk and stairs making a direct pedestrian connection from Stonecroft Lane. Relief will not impair the purpose and intent of this code section as applied to the district as a whole.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the majority of the property zoned DT-GC.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in the either the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less that that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact . Thus there is be no adverse impact on surrounding property.

7.729.17 - Street Façade Requirements.

Along the STREET FAÇADE of all new and renovated buildings and structures the following shall apply:

17. The minimum building height as measured along the BUILD-TO LINE shall be eighteen (18) feet in all subareas except DT-OS (OPEN SPACE), where there shall be no minimum building height.

- 1 Explain requested variance.

Under Code Section 7.729.17: The minimum building height as measured along the BUILD-TO LINE shall be eighteen (18) feet. The applicant does not have sufficient parking area to build a primarily two-story building

JUL 29 2015

based on the exceptional and extraordinary conditions of the property. Applicant request that this section be waived.

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

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel has two street frontages: Hwy 92 and Stonecroft Lane. The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and along the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

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

Due to the exceptional and extraordinary conditions noted above, the buildable portion of the property that is outside the restraints imposed by the exceptional and extraordinary conditions, becomes a long and narrow rectangle. Due to the combination of exceptional and extraordinary conditions, the site parking can not support a multi-story building. The minimum 18 feet of height called for in the code is an effort to make existing buildings, especially those in the older portion of Woodstock, have a common scale. This parcel is not adjacent to and never will be close to another building. Additionally the finished floor elevation sits 6-8 feet above the grade on Hwy 92 and Stonecroft Lane which will enhance the perceived height of the structure. Given such strict application of the Code Section 7.729.17, imposes an extreme hardship on the applicant.

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

The combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is magnified by the inability to access the parcel from HWY92 for all of the above reasons, and the parcels naturally deep rectangular shape. Approximately 1/2 of the parcel is not useable due to the exceptional and ordinary conditions.

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

The applicant seeks relief to waive the requirements of 7.729.17 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel.

- 6 Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and

JUL 29 2015

intent of this ordinance.

The parcel is a transitional use located at the edge of the zoning district. The parcel is not connected to the downtown grid of streets and retail business establishments. Granting this variance allows the scale of the building to be more consistent with the adjacent residential development. Relief will not impair the purpose and intent of this code section as applied to the district as a whole.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the majority of the property zoned DT-GC.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in either the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office will not sit in close proximity to other buildings in the district. The parcel is a transitional site, and relief from the 18 feet minimum is appropriate. Approval also allows the new building to be in scale with the existing residential neighborhood. Thus there is be no adverse impact on surrounding property.

7.730.2- General Requirements.

2. Primary sidewalk level pedestrian entrances to individual businesses and residential units shall be adjacent to required SIDEWALK AREA, PARK, PLAZA, or courtyard.

- 1 Explain requested variance.

Under Code Section 7.730.2: The pedestrian entrance should be located at sidewalk level.

Applicant seeks relieve from this code section to allow the primary pedestrian entrance to face the proposed parking area, due to the topography of the site this will be six feet above the sidewalk level. Applicant will install a sidewalk and stairs along Stonecroft Lane to make a direct connection to the primary pedestrian entrance.

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

JUL 29 2015

The parcel in question has numerous exceptional and extraordinary conditions noted as follows:

The parcel has two street frontages: Hwy 92 and Stonecroft Lane. The parcel is an approximate rectangle with these streets forming the North and East property boundary lines. The parcel has two creeks that run parallel to the North and West boundary lines. Both creeks have 25', 50' and 75' buffers that significantly reduce the effective buildable area of the site.

The site has 100 year flood plain encumbering a significant portion of the site. The flood plain is located both along the northern portion of the parcel, adjacent to HWY 92, and long the western portion of the parcel. Along the Northern portion the 100 year flood elevation runs relatively consistent with the 25 foot creek buffer elevation, for the south side of the creek. On the northern side of the creek, the 100 year flood line is located within 5-10 linear feet back of the curb along HWY 92. Thus both creek setbacks and flood plain significantly affect this portion of the site, forming a natural barrier to access HWY 92.

The flood plain also affects the western portion of the site. Along the first half of the western portion of the parcel, as one travels from the Hwy 92 to the south, the 100 year flood elevation moves from the being around the 25 foot buffer line to being around the 50 foot buffer line. Continuing in a southerly direction along the western portion of the parcel, the 100 year flood elevation is more or less consistent with the 75 creek buffer line and the last quarter of the southwestern portion of the parcel has the 100 year flood elevation significantly outside the 75 foot creek buffer. The effect of this is limited ability to ask for relief from various zoning requirements by using some of the 75 foot buffer due to the additional restriction of flood plain, and the loss of buildable area to the flood plain where it is outside the 75 foot creek elevation.

The site has extreme change in elevation, primarily from the creek bed to a buildable. This elevation change is about 25 vertical feet both along the northern portion of the property running parallel to Hwy 92 and along the western portion of the site running parallel to the western boundary.

The building' finished floor elevation will sit approximately 6 feet above Stonecroft Lane due to the site's topography.

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

Due to the exceptional and extraordinary conditions noted above, the buildable portion of the property that is free of exceptional and extraordinary conditions, becomes a long and narrow rectangle. The topography along Stonecroft Lane is significantly above the street grade as one travels from the intersection of Stonecroft Lane and Hwy 92 in a southerly direction on Stonecroft Lane. The combination of exceptional and extraordinary conditions, the placement of the building is limited to this proposed area. Given such strict application of the Code Section 7.730.2, imposes an extreme hardship on the applicant and makes the site undevelopable.

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

The combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is magnified by the inability to access the parcel from HWY92 for all of the above reasons, and the parcels naturally deep rectangular shape. Approximately ½ of the parcel is not useable due to the exceptional and ordinary conditions.

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

The applicant seeks relief to waive the requirements of 7.730.2 as a literal interpretation of the requirement would deprive applicant the ability to use the parcel.

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

The parcel is a transitional use located at the edge of the zoning district. The parcel is not connected to the downtown grid of streets and retail business establishments. Given this there is limited pedestrian traffic using the sidewalk along Stonecroft Lane and there is a no retail orientation to the street. Granting this variance allows the commercial building to stay as close to Hwy92 as possible and thereby provides an additional buffer

JUL 29 2015

to the adjacent residential neighborhood. Applicant will install a sidewalk and stairs making a direct pedestrian connection from Stonecroft Lane. Relief will not impair the purpose and intent of this code section as applied to the district as a whole.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The special circumstances are atypical of the majority of the property zoned DT-GC.

- 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 combination of creeks, flood plain, and topography have a significant adverse affect on this parcel. The affect is not unique to the Applicant and would impact any use of the property as currently zoned. Thus a variance is necessary to preserve the use and enjoyment of the parcel, and the entitled rights as zoned.

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

The applicant had no influence in the either the location and orientation of the creeks, flood plain, and topography, all of which have a significant impact without relief via a 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 City.

Granting of the requested use will not adversely impact surrounding property uses. The proposed office building is among the approved uses noted under the current zoning. The parcel is relatively large, but limited in useable area due to the combination of creeks, flood plain, and topography, thus the density of the development, even with approval of the variance, will be significantly less that that which would otherwise be afforded a similar size DT-GC parcel. Unlike other uses which are legal under DT-GC but not as well suited for the site (i.e. automotive repair facilities, bar/taverns, club/lodges, dry cleaners, hospitals, hotel, or drive-in restaurants), an office use of the property will be low impact. The site is a transitional use and is not part of the downtown core. Thus there is be no adverse impact on surrounding property.

JUL 29 2015