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**APPLICANT RESPONSE STATEMENT  
VARIANCES**

**1) Explain requested variance.**

- 1) Increase the maximum density for R-3C from 7 to 8 units per acre. Article IV LDO
- 2) Variance from the Parkway Overlay requirements. 7.920 LDO
- 3) Reduce the buffer adjacent to commercial from 45 feet to 20 feet. 7.602 LDO.

**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.**

- 1) The property is located between a RM10 Cherokee County apartment complex and GC zoned property along Highway 92. The proposed increased density is consistent with the property's location to these other uses and in conformity with the city's land use plan.
- 2) The property is located behind a strip of GC zoned property on Highway 92 and will have limited visibility from the highway. Because the property is sandwiched between GC and an apartment complex the Parkway requirements don't make planning sense.
- 3) There is a common access easement between the GC property and the proposed townhome community. The large buffer is not needed given the land use goal of creating a mixed use environment.

**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 proposed variances are consistent with similar developments in the area.

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

The Applicant is creating a residential neighborhood that is in compliance with the land use plan. The zoning ordinance does not recognize the unique conditions 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 requested variances relates specifically to the subject property because of its location on Highway 92 and the development of properties on either side of the property.

- 6) **How no non-conforming use of neighboring lands, structure(s) or building(s) 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 variance is a variance requested to allow for flexibility within this development to be able to build a townhome community similar to the development across Highway 92 from the subject property.

- 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 requesting variances based upon the unique conditions of the property and is asking for no other variances.

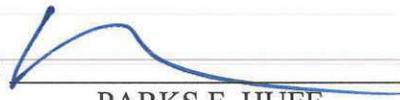
- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The proposed zoning will be less dense than the adjacent developments. Creating a mixed use environment is consistent with the city's Comprehensive Town Plan.

Respectfully submitted this 2nd day of December, 2016.

SAMS, LARKIN HUFF & BALLI, LLP

By:



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