

APPLICANT RESPONSE STATEMENT

APPLICANT RESPONSE STATEMENT – CONDITION AMENDMENT

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.

1. Explain requested variance.

Venture Homes, Inc. requests the following amendment to the Conditions of Z#094-16. We are requesting to modify the language of condition 19 to remove the proposed wall from the stream buffer and to allow portions of unit 1 and 2 to be allowed within the 75' impervious setback. The previous site plan had the units adjacent to Stonecroft Lane having rear garages and sitting up against the supplemental zone along Stonecroft Lane. The proposed layout with this condition amendment will convert those units to front entry garages and will setback the units from Stonecroft Lane. This will eliminate the need for an alley behind the units and will have less impact to the stream buffer behind the townhomes.

Specifically, we are requesting Condition 19 to read as follows:

“Relief to the 75' Impervious surface setback to allow for grading and construction of 2 residential units on land west of the creek centerline, contingent on staff approval.”

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

The property has a stream running across it, which reduces the available developable land to less than 5 acres. This removes over half of the property for development, which is an undue burden.

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

Changing the configuration of these units would eliminate the alley behind the units and the associated wall within the stream buffer. The new configuration will no longer have any impact to the stream buffer altogether. The total impact will go from 1,807 square feet to just **549 square feet**.

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

Most properties are not burdened so heavily by a stream. This property uniquely has the stream traveling from the northwest corner through the property and along most of the southern property line. Making this area of Stonecroft Lane only suitable for a small cluster of residential development

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

This property is unusual in that it has a downtown streetscape road immediately adjacent to a property that is not within the Downtown district. The majority of the property is not required to meet this standard. The intent with this condition amendment is to allow the builder to maintain a similar style

product throughout the development. In fact, condition # 9 requires a unified aesthetic for all units in the development.

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

The requested relief would still maintain the streetscape previously agreed upon for Stone Croft lane. The Lighting, trees, sidewalk and supplemental zone will still be maintained along Stonecroft Lane. The only difference would be units would not be sitting directly against the supplemental zone.

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 conditions of this property are unique in the environmental impact the stream has on the site. Because of the constraints the stream has on the area of the property along Stonecroft lane there is limited area for development along Stonecroft Lane. This layout has a better access configuration while limiting the impact to the adjacent stream.

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.

Granting of the application will benefit the greater community by reducing the environmental impact of the stream and for enjoyment of the future property owners having the rear of their units back directly to the undisturbed stream buffer.

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

These lot have not been constructed as of yet. We are requesting this condition change in anticipation of needing to place a front entry product on the 7 lots that face Stonecroft Lane.

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.

The requested variances will actually have less impact to the impervious setback and stream buffer. This will have less impact to the stream, vegetation, and air quality. No additional units are proposed from the prior zoning case so there would not be additional impacts to the traffic congestion. We have shared this layout with the Fire Marshal and have provided adequate fire access for the units. The applicant believes that this alternative layout will provide more enjoyment of this area of the property for the future residents, while maintaining the city's vision and desire for an enhanced streetscape along Stonecroft Lane.