

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. *Removing existing zoning conditions and keeping the current R2 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. *Yes, the zoning proposal will permit a use that is suitable in view of the use & development of adjacent & nearby property.*
3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. *This zoning proposal will not 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. *Yes, this property will have 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. *The proposed zoning will not cause an excessive or burdensome use of existing streets, transportation, utilities or schools.*
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan. *This proposed zoning is in conformity with the policy & interest of the land use map.*
7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning. *The supporting grounds for this zoning proposal is to remove the zoning conditions on a property that was altered by the rezoning of an adjacent parcel. New zoning will simply put the R2 zoning back in place without conditions set from a previous rezoning development that did not come to fruition.*

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See Attached

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.

1. Explain requested variance.
2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.
3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
4. Such conditions are peculiar to the particular piece of property involved.
5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.
6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this 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.
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.
9. The condition from which relief or a variance is sought did not result from willful action by the applicant
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.

Applicant Response Statement – Variances

1. We would like to keep some of the variances in place under the current zoning and remove some. We would like to keep the min 5500 sq ft variance in place for the size of the detached homes. We would like to keep the 7 ft side set backs in place also. We would like to remove the total number of units (187) part of the zoning condition. We want to change the 50' ROW to 40' ROW on Neese Road.
2. There are not exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.
3. The application of these regulations to this particular piece of property would not create a practical difficulty or unnecessary hardship.
4. These conditions are not peculiar to the particular piece of property involved.
5. The literal interpretation of this ordinance would deprive the applicant of their rights that others in the same district were allowed.
6. If the applicant was granted relief, it would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.
7. Special Circumstances or conditions applying to the building or land in question are not peculiar to such premises and do apply to other buildings or land in the vicinity.
8. The applicant agrees that granting the application is necessary for the preservation and enjoyment of a property right and does not merely serve as convenience to the applicant.
9. The condition from which relief or a variance would be granted, was not a result from willful action by the applicant.
10. The applicant agrees that authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonable increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonable 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.

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APPLICANT RESPONSE STATEMENT- CONDITIONAL USE PERMITS

NA

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 conditional use permit, please respond to the following standards in the form of a written narrative:

1. Explain requested conditional use permit.
2. Whether or not there will be significant adverse effect on the surrounding area in which the proposed use will be located.
3. Whether or not the use is otherwise compatible with the surrounding area.
4. Whether or not the use proposed will result in a nuisance as defined under state law.
5. Whether or not quiet enjoyment of surrounding property will be adversely effected.
6. Whether or not property values of surrounding property will be adversely effected.
7. Whether or not adequate provisions are made for parking and traffic considerations.
8. Whether or not the site or intensity of the use is appropriate.
9. Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Town Plan.
10. Whether or not adequate provisions are made regarding hours of operation.
11. Whether or not adequate controls and limits are placed on commercial and business deliveries.
12. Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
13. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
14. Whether the application complies with any applicable specific requirements set forth in this chapter for conditional use permits for particular types of uses.
15. Whether the applicant has provided sufficient information to allow full consideration of all relevant factors.
16. Whether the conditional use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.

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