

VARIANCE JUSTIFICATION STATEMENT

LDG Land Holdings LLC

3500 Lees Lane

The proposed variance, which will permit the applicant to minimally encroach into the wetlands buffer required by LDG 4.8.5.C.1, will not adversely affect the public health, safety or welfare. The applicant proposes to develop this vacant property into a mixed residential community in a series of phases. The proposed variance is necessitated by the developable land on the subject property.

The variance will not alter the essential character of the general vicinity. The applicant proposes to construct needed multifamily housing and has designed the development to include nearly three times the required amount of open space. Further, the proposed development has been designed to minimize the disturbance of the wetlands buffers and to include a significant amount of preserved tree canopy on the subject property.

The variance will not cause a hazard or nuisance to the public. The proposed variance will limit the wetland buffer encroachment to the maximum extent possible and will not adversely impact adjacent property owners.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to encroach into the wetland buffer as little as possible. The proposal has been designed to comply with all of the Army Corps of Engineers (“ACOE”) rules for a Nationwide Permit, as opposed to an individual permit, as well.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development has been designed to best utilize the land on the property while limiting the wetland buffer encroachment to the maximum extent possible.

The strict application of the regulations would create an unnecessary hardship as the applicant is requesting a minimum encroachment into the wetland buffer. Strict application of the regulations would force the applicant to redesign the proposed development and could prevent the development of the property in accordance with ACOE regulations

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.