

**Docket No. 21-ZONEPA-0129; 3608 College Drive Variance Justification:**

Applicant requests a variance of LDC Section 5.1.12 to allow the proposed buildings to exceed the infill front setback range for the following reasons:

1. The variance will not adversely affect the public health, safety or welfare because otherwise the buildings would encroach into the 15 ft. LBA along College Drive which would require another waiver that would reduce the landscaping and compromise the attractive presentation of the property along College Drive.
2. The variance will not alter the essential character of the general vicinity because by providing the 15ft LBA, the applicant is preserving the streetscape and the aesthetics of the area. All other LDC requirements will still be met.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic and which will cause hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because otherwise the buildings would encroach into the 15 ft LBA and the buildings would have more of an impact on the aesthetics of the area.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.