

## JUSTIFICATION

To justify approval of any variance, the Planning Commission considers the following criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or n/a** will **not** be accepted.

### Explain how the variance will not adversely affect the public health, safety, or welfare.

The existing driveway and usage areas on the site currently encroach to within 5' of the property line with the adjacent residential. Granting the variance would not prevent the provision of screening that is required. The variance also applies to a landscape storage bin which would encroach on the 25' requirement. However, the variance would not affect health, safety or welfare as the storage bins will be used only for light lawn care needs such as mulch. No storage of any chemicals, fertilizers, insecticides etc. will be stored in the bins in the encroachment area.

### Explain how the variance will not alter the essential character of the general vicinity.

The variance allows the remaining driveway to remain without moving it, reconstructing new curb cuts on Poplar Level Road and rebuilding sidewalk. It allows the natural buffer between the residential parcel to remain undisturbed. From the street view, nothing will change. At the rear, the encroachment area is currently used for a garage and is graveled over. The Variance would allow one additional storage bin on the site.

### Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will maintain the property usage in its current established area. The driveway would not have to be moved saving nuisance to the public. Granting the variance would not prevent the provision of screening for the adjacent resident that is required by code.

### Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

This variance will not allow unreasonable circumvention of the requirements, LDC 5.3.1.C.5 as it is consistent with the goal of compatible infill. The variance allows the existing driveway and residential home to remain undisturbed. Commercial infill will occur in the rear of the site and be screened from the street.

### Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This site is well established with a driveway and residential home facing Poplar Level Road. Compliance with the side yard setback for commercial next to residential will require relocating the driveway, a new curb cut onto Poplar Level Road and rebuilding the sidewalk. In this circumstance, enforcement of the code would take an existing structure built in 1939 and its environs and require new setbacks inconsistent with the feel of the remaining residential parcels in the general vicinity.

### Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The applicant is proposing to keep the front use of the parcel as residential. However, Poplar Level Road is a highly commercial main artery with the majority of development in the vicinity being commercial. Applicant has proposed a reasonable use of the rear of the property to maximize the complete use of the parcel while keeping the parcel in line with the remaining residential usages in the area.

### Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

The commercialization of the area and the classification of the Poplar Level Road which makes this site appropriate for commercial use is not a result of actions by the applicant. In addressing the transition, the existing home and residential use is proposed to be maintained on the front half of the site and results in little disruption to the vicinity. The variance will allow the driveway to remain, to be extended and the storage bins to encroach.

RECEIVED

APP 24 2022  
PLANNING & DESIGN  
SERVICES

23-VARIANCE-0058