

General Waiver Justification: 22-ZONEPA-0034; 5437 New Cut Road

The Applicant requests a waiver of: Section 5.5.1.A.3 to allow parking to be located in front of the building facing Southside Drive.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are commercial users and multi-family that have far less in common with either Cornerstone 2020 Land Development Code or Plan 2040 than this proposed project because those were developed before this area was designated as a Town Center Form District. Furthermore, the site will have landscaping that mitigate the potential adverse consequences of parking located in the front of the building than the LDC otherwise technically permits and at this location the parking will be across the street from an institutional use.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this involves an unusually shaped lot (long and narrow) that cannot accommodate all of its parking in the rear that is accessible by another street (New Cut Road) where parking is situated in order to accommodate the plan for this mixed use in the area's activity center. The adjacent funeral home has parking and a vehicle use area in front of its building so as proposed this parking is not out of character for the area.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts and due to the configuration of the lot would make the proposed building commercially unviable.