

VARIANCE JUSTIFICATION STATEMENT

LDG Development, LLC

13915 Bohannon Avenue

The proposed variance, which will permit the applicant to encroach into the 100 foot protected waterway buffer for Weaver's Run will not adversely affect the public health, safety or welfare. The applicant proposes to develop this vacant property into warehouses. The encroachment will not impact Weaver's Run, and there will still be a substantial buffer between Weaver's Run and the proposed development. This encroachment will not have any impact on public health, safety or welfare, and is required to permit proper vehicle parking and maneuvering. The proposed variance is also required to align the entrances to the proposed development.

The variance will not alter the essential character of the general vicinity as the encroachment will not impact Weaver's Run, and there will still be a substantial buffer between Weaver's Run and the proposed development. There is also an existing residence north of Lewis Lane on Bohannon Avenue that already sits within the 100' stream buffer that is not part of the applicant's property.

The variance will not cause a hazard or nuisance to the public. The encroachment will not impact Weaver's Run and the proposed development will be substantially buffered from the protected waterway. The applicant proposes to encroach into the buffer only to the extent necessary to allow safe maneuvering and comply with Public Work's entrance alignment request.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The encroachment is necessary to bring the proposed warehouse within the lot setback requirements and to minimize impacts to the jurisdictional wetlands that run through the site. The encroachment will not impact Weaver's Run and there will still be a substantial buffer between Weaver's Run and the proposed development.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The subject site is nearly 100 acres of currently vacant land adjacent to Weaver's Run and that also has jurisdictional wetlands running through it. The variance is necessary to bring the proposed warehouse within the lot setback requirements, to align the entrances to the proposed development, per a request by Public Works, and to minimize the impacts of the jurisdictional wetlands.

The strict application of the regulations would create an unnecessary hardship because the size and parking needs of the proposed development require that the parking areas be permitted to encroach on the 100' stream buffer area and that the entrances be lined up at the request of Public

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Works. Strict application of the regulations would force the applicant to move the development toward the existing wetlands and drainage features on the subject property.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of the varying width of Weaver's Run. The applicant proposes a substantial buffer for Weaver's Run, but a small variance is necessary to permit the applicant to provide adequate parking and vehicle circulation on the property and to comply with the recommendations and requests by Public Works.

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