

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

The Applicant hereby submits a waiver of LDC Section 5.5.1.A.3.d to waive the pedestrian and vehicular connections to parking lots of the abutting developments.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners or the public because cross-parking with the adjacent funeral home has been a problem that the parties intend to resolve by contractual agreement to ensure that there is no disruption to the respective businesses using their parking particularly with respect to occasional large funerals that require additional parking. A copy of this agreement will be provided to DPDS staff when completed. The adjacent C-2 contractors' site on Southside Drive has been granted a waiver of this requirement under Docket #18-ZONE-1067. The liquor store adjacent to the north on New Cut Road has an existing curb cut and does not require an additional access to New Cut Road. The plan as proposed does not provide access from the north to Southside Drive due to the existing configuration of the lot.
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. Pedestrian connectivity is provided by existing sidewalks and vehicular access to adjacent roadways is sufficient for the abutting properties.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the connection would not serve any purpose and would have the effect of reducing the available parking on site which is in cooperation with the funeral home for overflow parking during large funeral events.
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, it would serve no useful purpose, and would compromise the ability of the neighboring funeral home, restaurant and laundromat to share parking as needed.