

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

The Applicant hereby requests a variance of: LDC Sections 5.2.4.C.3.a and 5.1.12.A.2.a to allow the buildings to exceed the 15 ft maximum front setback and infill requirements.

1. The variances will not adversely affect the public health, safety or welfare because these are aesthetic issues only.
2. The variances will not alter the essential character of the general vicinity because, if anything, the general character of the area is one of buildings set back as significantly already from the public street, as all buildings in this area were originally located on their respective sites before this was designated by Cornerstone 2020 and Plan 2040 as a Town Center Form District. Moreover, this overall plan allows neighborhood serving uses in a mixed-use area. This commercial building will sit further away from the road, but it is a use which will be designed to fit in the area's design and is necessary because of the long, narrow and irregular shape of the overall property relative to building sizes and shapes.
3. The variance will not cause a hazard or a nuisance to the public because again this is an aesthetic not hazard or nuisance issue.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of all that is said above include the fact that the proposed commercial building is a rehabilitates a vacant lot that has only attracted vagrancy and a very poor visual condition for the neighborhood.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the unusually long and narrow configuration of the lot.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant wouldn't be able to provide parking adjacent to Southside Drive that would make this a commercially viable site.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of the shape of the buildings the overall site and the present as-built condition of the property.