

WAIVER JUSTIFICATION STATEMENT

MAPP Management, LLC

3506 Dutchmans Lane

The proposed waiver, which will allow the existing structures on the property to encroach into the 15 foot perimeter Landscape Buffer Area (“LBA”), will not adversely affect the adjacent property owners. The waiver is necessary because the existing structures on the property—which will be reused and not altered—sit within the required 15 foot perimeter LBA setback. There will be no adverse impact to adjacent property owners.

The proposed waiver will not violate the Comprehensive Plan. The property is within the Neighborhood Form District, which the Comprehensive Plan states may include “neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services.” The waiver will permit the applicant to simply reuse the existing structures as an office. There are numerous other similar small-scale commercial uses in the area, including the small commercial center across Bowman Ave. that contains a funeral home, law office, auto parts store, and a bank. The property at 3516 Dutchmans Lane, which is five houses east of the subject property at the intersection of Dutchmans Lane and Cannons Lane, is also used as a hair salon and has a similar parking-area layout with six parking spaces in the rear of the property.

The extent of the proposed waiver is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to simply reuse the existing structures as an office. The waiver is necessary because the existing structures on the property—which will be reused and not altered—sit within the required 15 foot perimeter LBA setback.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would essentially prohibit the applicant from reusing this property as an office, or require the applicant to either move the existing structures or tear down and rebuild new structures, resulting a much greater disturbance to neighbors.

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VARIANCE JUSTIFICATION STATEMENT

MAPP Management, LLC

3506 Dutchmans Lane

The proposed variances, which will permit the applicant to vary the 15 foot non-residential to residential setback to a minimum of zero feet and to vary the 15 foot street side yard setback to a minimum of 11 feet, will not adversely affect the public health, safety or welfare. The applicant proposes to reuse this residential property as an office, and does not propose any changes to the footprint or structure of the existing building. The only change will be the addition of four parking spaces and a sidewalk in the rear of the property near the existing garage. The variances from 15 foot non-residential to residential setback and the 15 foot street side yard setback will not result in any adverse impacts on public health, safety, for welfare as applicant is not proposing to encroach further into any setback; rather is merely altering the use of the existing structure from residential to office. The need for the variances arises from the fact that the existing structures on the property—which will be reused and not altered—sit within the required 15 foot non-residential to residential setback and the 15 foot street side yard setback.

The variances will not alter the essential character of the general vicinity as the existing structures will remain entirely intact and will simply be reused as offices. The addition of the four proposed parking spaces in the rear of the property will be adjacent to the existing garage and parking area, and will not result in any change to the character of the property or neighborhood. There are numerous other similar small-scale commercial uses in the area, including the small commercial center across Bowman Ave. that contains a funeral home, law office, auto parts store, and a bank. The property at 3516 Dutchmans Lane, which is five houses east of the subject property at the intersection of Dutchmans Lane and Cannons Lane, is also used as a hair salon and has a similar parking-area layout with six parking spaces in the rear of the property.

The variances will not cause a hazard or nuisance to the public. The variances will allow the applicant to simply reuse the existing structures as an office. The proposed parking area will have only four parking spaces, and thus will not cause any material increase in traffic in the neighborhood.

The variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant simply seeks to reuse the property as an office without altering the footprint of the existing structures. The need for the variances arises from the fact that the existing structures on the property—which will be reused and not altered—sit within the required 15 foot non-residential to residential setback and the 15 foot street side yard setback.

The variances arise from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, the existing structures sit within the residential to non-residential and street side yard setbacks required for OR uses, but the applicant simply proposes to reuse the existing residential structures for an office use.

The strict application of the regulations would create an unnecessary hardship because the applicant seeks to simply reuse the existing structures as an office. Strict application of the setbacks would essentially prohibit the applicant from reusing this property as an office, or require the applicant to either move the existing structures or tear down and rebuild new structures, resulting a much greater disturbance to neighbors.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the need for the variances arises from the misapplication of the OR setback requirements to this property.

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