

Docket No. 22-ZONE-0049; 805 S. English Station Road Variance Justification:

Applicant requests a variance of LDC Section 5.1.12.B.2.A to allow the proposed buildings to exceed the infill front setback range for the following reasons:

1. The variance will not adversely affect the public health, safety or welfare because Right of Way was required to be dedicated along South English Station Road which resulted in there being less area for the buildings, open space and amenities. The nearest building is 23 feet from the new property line which is ample spatial separation from the roadway. The infill setback range is established by the multi-family development to the south and this setback does not negatively affect that development. There are no sight distance issues created by this variance. The adjacent multi-family development on which the infill setback range was established (55' minimum to 82' maximum) has a parking lot in front of its buildings whereas the subject site setback is occupied by green space which is preferable for aesthetic reasons and is a better pattern of development for the area.
2. The variance will not alter the essential character of the general vicinity because the streetscape and the aesthetics of the area are not negatively affected by this variance and the plan provides for the buildings to be placed at angles so as to avoid a "barracks type" of appearance. All other LDC requirements will still be met.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic, and which will cause hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area.
2. 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 because otherwise the buildings would have to be reduced in size or eliminated making the project financially infeasible..
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.