

**MCDEANE ROAD, LLC**  
**WINTERWOOD DEVELOPMENT**

**5618 McDeane Road**  
**19DEVPLAN1059**

**VARIANCE JUSTIFICATION**

The proposed variance, which will permit a proposed parking area/drive lane and a small portion of one of the proposed multi-family buildings in the proposed development to encroach into the 25' wetland buffer, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into nine multi-family apartment buildings surrounding an existing pond. In addition to the pond, a small wetlands area sits just to the south of proposed buildings 3, 4, and 5. The proposal will leave the existing pond and wetlands area undisturbed; however, the proposed parking area/driveways between proposed buildings 4 and 5 and a small corner of building 5 will encroach into the 25' wetlands buffer area. The encroachment will not adversely affect the public health, safety or welfare as the existing pond and wetlands will remain undisturbed and the encroachment is the minimal required to permit proper vehicle parking and circulation around buildings 4 and 5.

The variance will not alter the essential character of the general vicinity as the existing pond and wetlands area will remain undisturbed and the encroachment is minimal. The proposal contemplates that the pond will be a central feature of the redeveloped property, which will include a mulched walking trail, playground/dog park, and gazebo area near the pond.

The variance will not cause a hazard or nuisance to the public. The proposed variance will permit a proposed parking area/drive lane to connect the parking area between buildings 4 and 5 to the rest of the development to the east, including buildings 1, 2, and 3. The existing pond and wetlands area will remain undisturbed.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will retain the existing pond and wetlands area while allowing the applicant to provide adequate parking and vehicle circulation. This design will ensure the safety of vehicles parking and maneuvering within the development.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The existing pond and wetlands area are unique features that the applicant proposes to retain. In order to work around the irregular shapes of these features, a small encroachment is necessary to accommodate a parking area/drive lane and a small portion of building 5.

The strict application of the regulations would create an unnecessary hardship because the irregular size of the existing pond and wetlands area and parking needs of the proposed development require that the parking areas be permitted to minimally encroach on the 25' wetlands buffer area. Strict application of the regulations would force the applicant to reconfigure or reduce the size of the proposed development.

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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 irregular shapes of the existing pond and wetlands area. The applicant proposes to retain these unique features, but a small variance is necessary to permit the applicant to provide adequate parking and vehicle circulation on the property.

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