

## **Addition to Statement of Justification**

This is an addition to the Statement of Justification submitted by Willstone, LLC, for the property located at 101 Dennis Drive.

In addition to the zone change, the applicant is requesting a variance to the required side yard along the west (left) property line.

We are requesting a zone change to the Neighborhood Business (B-1) zone for this property. The B-1 zone has no limitation on side yards. However, Article 15-3 of the Zoning Ordinance states that when a property adjoins the side or rear yard of a lot in another zone, the more restrictive yard requirement shall apply. The P-1 zone has a side yard of 12 feet. Thus, the subject property would have a 12-foot setback requirement along the west (left) property line which adjoins the neighboring P-1 zone.

This property has 75 feet of frontage on Dennis Drive and the lot narrows to 60 feet in the rear. We show the proposed building to be located close to Dennis Drive in order to meet the 10-20 foot "build to" front yard setback in the B-1 zone. We also must have room for a two-way driveway to reach the parking in the rear.

Application of a 12-foot side yard requirement on the left side would require the building to be moved to the right side of the lot, adjacent to the rear of the shopping center. The problem with that scenario is that there is a utility easement running along the east side of the property which would prevent the building from being moved far enough to allow the two-way driveway access on the west. In addition, our driveway would be placed immediately adjacent to the driveway for the adjoining P-1 lot which is being used as a daycare center. Placing the building closer to the west property line would allow a better alignment and safety for the two driveways.

Thus, we are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because it will allow separation of the daycare driveway from the business driveway and allow better spacing along Dennis Drive.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the need for the variance arises from the existence of a 10-foot utility easement along the east side of this property and the need for spacing of the driveways.

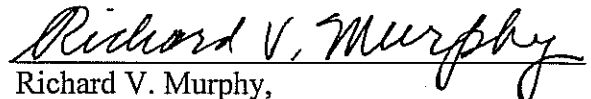
3. The special circumstances which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are the existence of the utility easement on the east property line which would prevent the building from being far enough to the east to allow a two-way driveway to be constructed on the west. In addition, it will allow separation of the business driveway from the daycare driveway.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because a one-way

driveway to the rear would not adequately serve the property, and it would create a situation in which the driveway is next door to the daycare driveway.

5. The circumstances surrounding the requested variance are not the result of actions taken by this applicant subsequent to the regulation from which relief is sought. This property is now a vacant lot and the applicant is making this request before commencing any construction or activity on the property.

Thank you for your consideration of this zone change and variance request.

  
Richard V. Murphy,  
Attorney for Willstone, LLC