

WAIVER JUSTIFICATION STATEMENT

The Deerfield Company

10201 Brownsboro Road

The proposed waiver of Section 10.2.4, which will allow the applicant to overlap the required 15 foot Landscape Buffer Area and existing utility easement by more than 50%, will not adversely affect the adjacent property owners. The waiver is necessary because the property is adjacent to Brownsboro Road and an existing easement overlaps the entire required Landscape Buffer Area. There will be no impact to adjacent property owners. The applicant proposes to plant several sets of street trees and to include an easement for a TARC bus stop. The applicant will maintain all the required plantings through the entire landscape buffer area.

The proposed waiver is in compliance with the Comprehensive Plan. The subject site is located in the Neighborhood Form District. The proposed commercial development is consistent with other Neighborhood commercial developments in the area. The proposed development will include the required width and plantings within the landscape buffer area but will also include the existing drainage easement.

The extent of the proposed waiver is the minimum necessary to afford relief to the applicant. The proposed waiver to allow the buffer and the existing easement to overlap does not inhibit the applicant's ability to provide the landscape buffer area width or plant material. The applicant proposes to plant several sets of street trees and to include a TARC bus stop to make the site accessible and pedestrian-friendly.

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 require that the applicant move the proposed development further from Brownsboro Road in a way that would fail to match the existing streetscape along Brownsboro Road.