

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners because all required landscape plantings will be provided to meet or exceed the intent of the requirement. The parkway buffer will be landscaped consistent with developed property to the east and the area to the west has no landscape buffer where Grafts Court (formerly Rehl Road) is directly adjacent to Blankenbaker Parkway.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan for the above stated reasons and the applicant's commitment to extensively landscape the buffer area along Blankenbaker Parkway. The required landscape plantings will be provided with a design that will beautify the parkway and meet the intent of the regulation.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver is the minimum necessary to afford relief to the applicant. The requirement to provide on-site stormwater detention is best met by utilizing the lower portion of the site, which is the area along Blankenbaker Parkway's frontage. Although detention design will require use of more than half of the width of the 30' parkway buffer, there will be enough area to provide the required landscape plantings.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The applicant proposes to provide the required landscape plantings along Blankenbaker Parkway, with additional plantings to provide screening of the adjacent VUA. There will also be additional evergreen plantings provided near the western boundary running north along the shared boundary with the residential OR-3 zoned neighboring tract on Grafts Court, which will augment the landscaped appearance along the parkway. The strict application of the regulation would require underground detention in an area of shallow rock, creating an unnecessary hardship on the applicant.

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