

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?

No, as the street trees will still be provided, just in a more evenly-spaced pattern and they are internal to this subdivision, so they will not be very visible to adjacent property owners once the houses are built.

2. Will the waiver violate the Comprehensive Plan?

No, where there are open spaces, there will be trees clustered in clumps in more naturalized groupings which will enhance the visual quality of the open space in compliance with Comprehensive Goal H3 under Livability Strategy. The majority of the street trees will be native species which is in compliance with Guideline 13 Policy 2. The planting design will not violate either of these goals or guidelines.

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

Yes, as they will still be providing street trees, just not in a clustered arrangement as there is not enough space in a five or seven foot wide verge strip to do so. Allowing the trees to be spaced in a more regular pattern between the driveways is the minimum needed to still provide the required trees. The trees along the open space lots can be planted in compliance with the requirements as there is more room for those trees to be planted in clusters - they can be planted outside the right-of-way a little to make a more natural-looking grouping.

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 strict application would create an unnecessary hardship on the applicant as the trees would have to be planted in such tight, close spaces between the driveways that some lots would have no trees in front of their lots at all and others would have clumps of trees that would hide the house from view from the street, especially as the clusters of trees have to be a variety of heights and shapes. The houses on lots with no trees will be harder to sell and the ones with clumps of trees will be hard to sell as well as most buyers will not be as attracted to having their new home hidden from the street.

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