

**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 approval of this waiver will not adversely affect adjacent property owners. Although the request is to omit the required trees within the buffer area an increased screen will be provided, consisting of an 8' privacy fence compared to the 6' screen which is required. There is no exterior construction proposed with this development therefore the adjoining property owners views will not be impacted with this request and will ultimately be improved with this overall development. All tree canopy requirements will be met on site.

**2. Will the waiver violate the Comprehensive Plan?**

The approval of this waiver will not violate the comprehensive plan. Adequate screening will be provided and tree canopy requirements will be met on site. The Cornerstone 2040 Community Goal Concern of this higher density being buffered from the surrounding R5 neighborhood will still be visually screened even without the planting of said buffer trees. Tree canopy requirements that will be met on site will be addressed with native plantings, further supporting the Cornerstone 2040 Concern of Livability.

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

This waiver of the regulation is the minimum necessary to afford relief to the applicant. The buffering currently required would create a nuisance to both this development as well as adjacent property owners, adding overhanging branches and increased maintenance. Although the proposed zoning (OR-1) in a Traditional Neighborhood would typically require Type "A" trees every 20' +/- this site in particular does not yield itself to such stringent planting requirements. As mentioned previously all work is interior to the existing historical house and no visual changes will be evident on the exterior, seemingly maintaining the existing single-family appearance.

**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 will meet all tree canopy requirements on site and is providing an increased screen in lieu of the buffer trees. The current regulation requires a 10' Landscape Buffer Area with a 6' screen. The applicant is proposing an 8' screen consisting of a privacy fence.

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APR 08 2019

DESIGN SERVICES

10 ZONE 1008