

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 the adjacent property owners as the applicant proposes to enhance the buffer with the installation of double the number of trees required in the area provided. The rear façade of the building behind this trees planted will also contribute to screen the site’s use from the expressway. Both of these, along with the distance the site is from the Gene Snyder (from 60 to 100’ from the driving lanes) and the change in grade of the site from the expressway (at an elevation that is 15’-20’ higher) will result in an appropriate screen.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan as the applicant intends to provide an enhanced buffer with double the number of trees required by code. Further the applicant is committed to maintain and replace the plantings as needed.

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 given that the buffer provided will be enhanced with double the number of trees typically required.

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 has incorporated other design measures that exceed the minimum of the the district to compensate for non-compliance. Double the code required number of trees are proposed to be planted, with a mix of evergreen and deciduous trees along with a shrub buffer to screen the development from the expressway. The difference in elevation and distance from the expressway combined with the setback proposed will result in an appropriate buffer. As such the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant.