

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. **How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

The code allows for the development and expansion of pre-existing non-residential structures.

2. **Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

The waiver will keep with the intent of the LDC by keeping with the rural lot pattern where sidewalks are not useful or justified.

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3. **What impacts will granting of the waiver have on adjacent property owners?**

There would be no adverse impact on adjacent property owners due to the fact that the current conditions have been in place for many years, operating this way with no problems.

4. **Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

Strict application would create unnecessary hardship due to the cost of placing sidewalks in an area that doesn't have connectivity to other sidewalks and property that has a land drainage ditch along the road.



Sidewalk Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16devplan1170 Intake Staff: MC

Date: 2/19/18 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Explanation of Waiver: To waive the required sidewalk along National Turnpike.

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Primary Project Address: 9609 National Turnpike

Additional Address(es): N/A

Primary Parcel ID: 105100290000

Additional Parcel ID(s): N/A

Proposed Use: Auto Repair Existing Use: Auto Repair

Existing Zoning District: R-4, C2 Existing Form District: Village

Deed Book(s) / Page Numbers²: Deed Book 10345 Page 990

The subject property contains 4.1 acres. Number of Adjoining Property Owners: 7

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 09-036-96 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

16 DEVPLAN 1170



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16devplan1170 Intake Staff: MC

Date: 2/19/18 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.5.2.A.1

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To omit windows affording views into business.

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Primary Project Address: 9609 National Turnpike

Additional Address(es): N/A

Primary Parcel ID: 105100290000

Additional Parcel ID(s): N/A

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Proposed Use: Auto repair Existing Use: Auto repair

Existing Zoning District: R4, C2 Existing Form District: Village

Deed Book(s) / Page Numbers²: Deed Book 10345 Page 990

The subject property contains 4.1 acres. Number of Adjoining Property Owners: 7

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 09-036-96 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

16 DEVPLAN 1170

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?

It will not affect adjacent property owners because owner is utilizing current conditions that have been in place for many years.

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2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan because building sits so far off the road that placing windows to allow views into the business impractical and unnecessary.

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

The extent of waiver is minimum necessary because it allows for the owner to continue utilizing the existing structures without the cost and disruption of construction to alter building.

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 unnecessary hardship on owner due to the cost and disruption of business to alter the building as well as the structural complications to redesign the building.

16 DEYPLAN 1170



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16devplan1170 Intake Staff: MC

Date: 2/19/18 Fee: _____

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Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.6.1.C.1

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To eliminate building design standards.

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Primary Project Address: 9609 National Turnpike

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Additional Address(es): N/A

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Primary Parcel ID: 105100290000

Additional Parcel ID(s): N/A

Proposed Use: Auto Repair Existing Use: Auto Repair

Existing Zoning District: R4, C2 Existing Form District: Village

Deed Book(s) / Page Numbers²: Deed Book 10345 Page 990

The subject property contains 4.1 acres. Number of Adjoining Property Owners: 7

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 09-036-96 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

16 DEVPLAN 1170

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?

It will not affect adjacent property owners because owner is utilizing current conditions that have been in place for many years.

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2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan because building sits so far off the road that placing windows to allow views into the business impractical and unnecessary.

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

The extent of waiver is minimum necessary because it allows for the owner to continue utilizing the existing structures without the cost and disruption of construction to alter building.

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 unnecessary hardship on owner due to the cost and disruption of business to alter the building as well as the structural complications to redesign the building.

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General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16devplan1170 Intake Staff: MC

Date: 2/19/18 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.6.1.B1

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To eliminate building design standards.

Primary Project Address:	<u>9609 National Turnpike</u>	RECEIVED FEB 19 2018 PLANNING & DESIGN SERVICES
Additional Address(es):	<u>N/A</u>	
Primary Parcel ID:	<u>105100290000</u>	
Additional Parcel ID(s):	<u>N/A</u>	

Proposed Use: Auto Repair Existing Use: Auto Repair

Existing Zoning District: R4, C2 Existing Form District: Village

Deed Book(s) / Page Numbers²: Deed Book 10345 Page 990

The subject property contains 4.1 acres. Number of Adjoining Property Owners: 7

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #:	<u>09-036-96</u>	Docket/Case #:	_____
Docket/Case #:	_____	Docket/Case #:	_____

36 DEVPLAN 1170

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?

It will not affect adjacent property owners because owner is utilizing current conditions that have been in place for many years.

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2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan because building sits so far off the road that placing windows to allow views into the business impractical and unnecessary.

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

The extent of waiver is minimum necessary because it allows for the owner to continue utilizing the existing structures without the cost and disruption of construction to alter building.

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 unnecessary hardship on owner due to the cost and disruption of business to alter the building as well as the structural complications to redesign the building.

16 DEYPLAN 1170



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16devplan1170 Intake Staff: MC

Date: 2/19/18 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.9.2

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: to not provide pedestrian connection to public way or adjacent residential area.

Primary Project Address: 9609 National Turnpike

Additional Address(es): N/A

Primary Parcel ID: 105100290000

Additional Parcel ID(s): N/A

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Proposed Use: Auto Repair Existing Use: Auto Repair

Existing Zoning District: R4, C2 Existing Form District: Village

Deed Book(s) / Page Numbers²: Deed Book 10345 Page 990

The subject property contains 4.1 acres. Number of Adjoining Property Owners: 7

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 09-036-96 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

16 DEVPLAN 1170

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?

Waiver will not adversely affect property owners because conditions are existing and have been for some time. There are no sidewalks along National Turnpike and the building sits over 200 feet from the road.

2. Will the waiver violate the Comprehensive Plan?

The business is not a walk-in type business and has no pedestrian connectivity along a busy road in a predominantly residential surrounding. The current configuration keeps with the rural nature of the surrounding properties.

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

The extent of waivers is minimum to afford relief because there is no pedestrian traffic to or from the business.

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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 of cost.

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General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16DEVPLAN1170 Intake Staff: 3B

Date: 8/22/16 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section _____

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To not provide the required 35' LBA, screening, and plantings along the southeast lot line

Primary Project Address: _____

Additional Address(es): _____

Primary Parcel ID: _____

Additional Parcel ID(s): _____

Proposed Use: _____ Existing Use: _____

Existing Zoning District: _____ Existing Form District: _____

Deed Book(s) / Page Numbers²: _____

The subject property contains _____ acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

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If yes, please list the docket/case numbers:

AUG 22 2016

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Docket/Case #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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 adjoining property owners as they have stated that they do not want the additional buffers, plantings, or screenings. There is existing tree canopy along most of this lot line creating an even better screen and more plantings than the landscape requirements would provide, preventing any potential noise or visual pollution. There are no proposed changes to the land use or buildings that would cause additional nuisances. The surrounding neighbors have worked collectively to improve the drainage to improve capacity in excess of what downstream systems provide. Fences would impair the neighborhood watch, providing hiding spots for criminal activity.

2. Will the waiver violate the Comprehensive Plan?

The will not violate the Comprehensive Plan, but instead promote its guidelines. Guideline 13 desires to promote native species of trees, encourage tree canopy as a community resource, and incorporate unique characteristics of natural landscape styles. This Waiver will allow the site to preserve the existing tree canopy, including species native to this region, and maintain the rural landscape of the surrounding area instead of planting a lone tree separate from the existing wooded areas on site. One or two planted trees within a linear pattern would be visibly awkward in a rural setting and a violation of the intent of the Comprehensive Plan.

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 in order to become compliant while also respecting the wishes of the surrounding property owners. The applicant desires to honor the work of the neighbors previously completed to improve drainage, promote safety of the neighborhood by clearing obstructions a criminal could potentially use, clear out brush and trees to allow sunlight for their gardens and lawns, and maintain the naturally rural landscape of the area. The planting of trees along a lot line that has a 15' LG&E easement would further complicate compliance for the applicant and interfere with utility maintenance.

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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the land has been used for auto repair for some time without any nuisance to the neighbors. Additionally, it would create an unnecessary hardship on the applicant because the neighbors have worked together to create a landscape that is aesthetically pleasing to themselves and promotes safety with open views of buildings to dissuade criminal activity. Adding fences and trees that neighbors do not desire would be a financial hardship as well. By working together, the neighbors have created a sustainable infrastructure promoted by the landscape regulations.

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PLANNING & DESIGN SERVICES 16
DEVPLAN 1170

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 adjoining property owners as they have stated that they do not want the additional buffers, plantings, or screenings. The rear of this lot is a heavily wooded area creating an even better screen and more plantings than the landscape requirements would provide, preventing any potential noise or visual pollution. There are no proposed changes to the land use or buildings that would cause additional nuisances. The surrounding neighbors have worked collectively to improve the drainage to improve capacity in excess of what downstream systems provide. Fences would impair the neighborhood watch, providing hiding spots for criminal activity.

2. Will the waiver violate the Comprehensive Plan?

The will not violate the Comprehensive Plan, but instead promote its guidelines. Guideline 13 desires to promote native species of trees, encourage tree canopy as a community resource, and incorporate unique characteristics of natural landscape styles. This Waiver will allow the site to preserve the existing tree canopy, including species native to this region, and maintain the rural landscape of the surrounding area instead of planting a lone tree separate from the existing wooded areas on site. One or two planted trees within a linear pattern would be visibly awkward in a rural setting and a violation of the intent of the Comprehensive Plan.

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 in order to become compliant while also respecting the wishes of the surrounding property owners. The applicant desires to honor the work of the neighbors previously completed to improve drainage, promote safety of the neighborhood by clearing obstructions a criminal could potentially use, clear out brush and trees to allow sunlight for their gardens and lawns, and maintain the naturally rural landscape of the area.

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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the land has been used for auto repair for some time without any nuisance to the neighbors. Additionally, it would create an unnecessary hardship on the applicant because the neighbors have worked together to create a landscape that is aesthetically pleasing to themselves and promotes safety with open views of buildings to dissuade criminal activity. Adding fences and trees that neighbors do not desire would be a financial hardship as well. By working together, the neighbors have created a sustainable infrastructure promoted by the landscape regulations.

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PLANNING & DESIGN SERVICES 16 DEV/PLAN 1170

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 adjoining property owners as they have stated that they do not want the additional buffers, plantings, or screenings. There is existing tree canopy along most of this lot line creating an even better screen and more plantings than the landscape requirements would provide, preventing any potential noise or visual pollution. There are no proposed changes to the land use or buildings that would cause additional nuisances. The surrounding neighbors have worked collectively to improve the drainage to improve capacity in excess of what downstream systems provide. Fences would impair the neighborhood watch, providing hiding spots for criminal activity.

2. Will the waiver violate the Comprehensive Plan?

The will not violate the Comprehensive Plan, but instead promote its guidelines. Guideline 13 desires to promote native species of trees, encourage tree canopy as a community resource, and incorporate unique characteristics of natural landscape styles. This Waiver will allow the site to preserve the existing tree canopy, including species native to this region, and maintain the rural landscape of the surrounding area instead of planting a lone tree separate from the existing wooded areas on site. One or two planted trees within a linear pattern would be visibly awkward in a rural setting and a violation of the intent of the Comprehensive Plan.

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 in order to become compliant while also respecting the wishes of the surrounding property owners. The applicant desires to honor the work of the neighbors previously completed to improve drainage, promote safety of the neighborhood by clearing obstructions a criminal could potentially use, clear out brush and trees to allow sunlight for their gardens and lawns, and maintain the naturally rural landscape of the area.

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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the land has been used for auto repair for some time without any nuisance to the neighbors. Additionally, it would create an unnecessary hardship on the applicant because the neighbors have worked together to create a landscape that is aesthetically pleasing to themselves and promotes safety with open views of buildings to dissuade criminal activity. Adding fences and trees that neighbors do not desire would be a financial hardship as well. By working together, the neighbors have created a sustainable infrastructure promoted by the landscape regulations.

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PLANNING & DESIGN SERVICES 76 DEVPLAN 1170

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 adjoining property owners as they have stated that they do not want the additional buffers, plantings, or screenings. There is very little VUA to be buffered and it is far from the road, causing very little potential noise or visual pollution. There are no proposed changes to the land use or buildings that would cause additional nuisances. The surrounding neighbors have worked collectively to improve the drainage to improve capacity in excess of what downstream systems provide. Screening would impair the neighborhood watch, providing hiding spots for criminal activity.

2. Will the waiver violate the Comprehensive Plan?

The will not violate the Comprehensive Plan, but instead promote its guidelines. Guideline 13 desires to incorporate unique characteristics of natural landscape styles. This Waiver will allow the site to maintain the rural landscape of the surrounding area instead of planting a lone tree separate from the existing wooded areas on site. One or two planted trees within a linear pattern would be visibly awkward in a rural setting and a violation of the intent of the Comprehensive Plan. Additionally, the long setback from the road incorporates a substantial transition area between the commercial use and residential uses across the street, as suggested in Guideline 3.

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 in order to become compliant while also respecting the wishes of the surrounding property owners. The applicant desires to honor the work of the neighbors previously completed to improve drainage, promote safety of the neighborhood by clearing obstructions a criminal could potentially use, clear out brush and trees to allow sunlight for their gardens and lawns, and maintain the naturally rural landscape of the area.

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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the land has been used for auto repair for some time without any nuisance to the neighbors. Additionally, it would create an unnecessary hardship on the applicant because the neighbors have worked together to create a landscape that is aesthetically pleasing to themselves and promotes safety with open views of buildings to dissuade criminal activity. Adding screens and trees that neighbors do not desire would be a financial hardship as well. By working together, the neighbors have created a sustainable infrastructure promoted by the landscape regulations.

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District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

The site contains a large wooded area and a water course along the rear of the property, neither of which will be disturbed.

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes. A wide drive with a large apron will provide ingress onto site.

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Yes Most of the site is greenspace or undeveloped.

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4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Yes, the property owner and the adjoining property owners have worked to fix the poor drainage in the area.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The site fits with the characteristics of the area and no changes are being proposed

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Yes, it maintains the rural setting of the area with the natural landscape.