

- Revised -

General Waiver Application – Justification “attachment”

Logistics Airpark: Case #~~18ZONE1049~~ 19DEVPLAN1120

W2: The applicant is requesting a landscape waiver of 41.9 feet to allow the proposed drive and truck parking to be within the required 50 foot LBA along the North property line.

W3: The applicant is requesting a landscape waiver of 10 feet to allow the proposed drive and truck parking to be within the required 20 foot LBA along the West property line, which is also the right of way line of Interstate 65.

1. Will the waiver adversely affect the adjacent property owners?

Granting the requested waiver W2 will not adversely affect the adjacent property owners. The drive lane and truck parking are along the North property line that is also parallel to the existing detention basin / lake on the Evangel Church property. The proposed LBA will be at a minimum 8.1 feet and other sections along the property line will be much greater. The applicant will still be providing the required plant material and screening to buffer the adjoining residents.

Granting the requested waiver W3 will not adversely affect the adjacent property owner. The waiver is along is the right of way of Interstate 65. The applicant will still be providing the required plant material and screening

2. Will the waiver violate the Comprehensive Plan?

Given the above stated observations regarding land uses to be buffered, the apparent compliance with the landscape ordinance, the applicants waiver request itself, and the required landscape and screening for the buffer, granting the requested waiver will not violate the Comprehensive Plan.

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

The applicant has taken great care to minimize the impact of the proposed development on surrounding properties. The subject property is constrained by existing utilities and their related easements, an archaeological site to be

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preserved, floodplain, wetlands, obligations made through prior zoning cases and the current Land Development Code and Comprehensive Plan. As stated above the requested waiver is the minimal necessary relief.

- 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?**

For the reasons stated above denial of these waivers will deprive the applicant of reasonable use of his land. These waivers are dimensional waivers. All required vertical buffering will be provided. Denial of the request simply causes the applicant to reduce the size of the proposed building and in so doing has a significant economic impact on the project.