

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer all the following items. Use additional sheets if needed. Responses of **yes, no,** or **N/A** will not be accepted.

1. Will the waiver adversely affect adjacent property owners?

No, the waiver request from a 15' buffer required by LDC Sec. 10.2.4 to a 5' buffer is for the property line shared with 4620 Poplar Level Road. The buffer between the existing driveway and property line is currently 5'. Applicant will not be maintaining the buffer area between the property line and the driveway. Applicant will be installing an 8 foot privacy fence per LDC guidelines along this property line as shown on the plan. Applicant will follow planting/screening density 4 per Table 10.2.4 Planting Density and Screening Requirements.

2. Will the waiver violate the Comprehensive Plan?

No, The site is adjacent to existing commercial uses and the proposal is consistent with the commercial expansion into an existing residential area. The site faces Poplar Level Road a major arterial and transit corridor at this location. The applicant plans to retain the home that is original to the site as a residential rental unit. The lawn care business will operate out of the back of the property and will be appropriately screened. Additionally, while the area is transitioning to commercial use the required buffers will be provided.

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

Yes, the site is narrow and the waiver request for a 5' buffer would be the minimum necessary to afford relief. The existing 5' buffer along the existing driveway and garage will be maintained along the shared property line. The 5' buffer will be extended with the extension of the driveway to serve the rear business and allow the installation of the landscape storage bins needed for light landscape material storage. The existing use areas are established to the 5' buffer line. This buffer will be improved and planted / screening provided according the the LDC guidelines.

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?

Strict application of the 15' buffer would require the Applicant to move the existing driveway and usage areas that have been in place for many years. If required to comply with the 15' buffer requirement along the property line, there would only be 9' remaining between the buffer and the side of the existing home to place a driveway. In the project area, the existing usage area and proposed project area align along approximately the same area. Again, in order to comply with the 15' buffer requirement, the existing usage area would need to be moved 10' which curtails usage of the site for landscape storage. Moving the existing usage area would impact project costs. This request is in line with existing usage and buffer area. Any rejection of the waiver would cause much more disturbance to the residential parcel at 4620 Poplar Level and require additional costs that defeat the reasonable use of the land.

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