

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.

Waiver to reduce the LBA to 5ft along the north and east property lines which are adjacent to the OR-3 property and along the south property line on Shelbyville Road.

RECEIVED

Explanation of Waiver:

JUL 20 2015

PLANNING &
DESIGN SERVICES

1. The waiver will not adversely affect adjacent property owners because this is a new development of a currently vacant, former branch bank site. In the process of revamping and re-tenanting this vacant property, its overall appearance will be upgraded. Even though the LBAs along these property lines cannot be satisfied, added trees and landscaping will be provided in areas that do not need to be devoted to parking, as adequate parking is essential for a reuse of this vacant site.
2. The waiver will not violate the Comprehensive Plan because Guideline 13 of the Comprehensive Plan requires adequate landscaping, whereas Guideline 6 encourages economic revitalization of underutilized sites. As stated above, all LBAs are provided that can be provided, and what is missing or is under-sized can be enhanced with additional landscaping.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is providing only about one-third more of than the minimum required parking and about two-thirds less than the maximum allowed. What this means is that the applicant is doing everything it can to landscape the site without making the new use unviable because of inadequate parking.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because without these landscape waivers along these property lines, the applicant would not have adequate parking to serve its need, and the branch bank would therefore would likely remain vacant because banks are not building new branches anymore. When PNC and National City Bank merged, the combined bank ended up with nearly twice the number of branches it needed. /

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Waiver to eliminate the required 3ft tall berm along Shelbyville Road.

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Explanation of Waiver:

JUL 20 2015
PLANNING &
DESIGN SERVICES

1. The waiver will not adversely affect adjacent property owners because the inability to construct the berm results from a need to have adequate parking and a lack of area to install an LBA to accommodate the berm along Shelbyville Road. This does not impact the adjoining properties on the north, east and west sides, which are actually benefitted by this new use of a currently vacant branch bank site.
2. The waiver will not violate the Comprehensive Plan for the same reasons set forth in the justification statement for the LBA waivers along this and the other two (north and east) property lines.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is doing everything else it can to provide an attractive, viable, re-use of this property.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because if it had to provide this berm, it would also have to provide the Shelbyville Road LBA in which to accommodate this berm. In that event, it would lose parking essential to the viability of this use.

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Waiver of: Section 10.3.6 to allow parking and vehicle maneuvering to encroach into the 5 ft. LBA.

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JUL 27 2015

PLANNING &
DESIGN SERVICES

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is a new development of a currently vacant, former branch bank site. In the process of revamping and re-tenanting this vacant property, its overall appearance will be upgraded. Even though the LBAs along these property lines cannot be satisfied, added trees and landscaping will be provided in areas that do not need to be devoted to parking, as adequate parking is essential for a reuse of this vacant site.
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4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because without these landscape waivers along these property lines, the applicant would not have adequate parking to serve its need, and the branch bank would therefore would likely remain vacant because banks are not building new branches anymore. When PNC and National City Bank merged, the combined bank ended up with nearly twice the number of branches it needed.