

General Waiver Justification: 3703 Hopewell Road

The Applicant, John Thornton, hereby requests a waiver of LDC Section 10.3.7.A.1 to reduce the Gene Snyder Freeway Buffer area

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the site to the north adjoining this one next to the Snyder Freeway are related commercial and office sites. Other properties along the Snyder Freeway have been approved for development with waiver encroachments into the Snyder Freeway setback where added screening has been provided. As originally proposed under 21-DDP-0120, the proposed 1,520 square foot building was almost entirely within the Parkway Buffer. The current proposal reduces the orientation of the building to be perpendicular to the Freeway with only 301 square feet of a smaller 1,200 square foot building end cap (25%) encroaching into the buffer. The building is approximately 20' above the elevation of the Snyder Freeway on-ramp and does not abut the Snyder Freeway itself and therefore is not at all visible from the roadway with the additional proposed wall and proposed buffer plantings consisting of 4 Type A deciduous trees, and 5 Type A evergreen trees as well as large shrubs as shown on the proposed Detailed District Development Plan. The proposed auto body repair shop business model is to repair vehicles within a few hours after which they will be removed from the site so there will be no mass of damaged vehicles on the site. The damaged vehicle will be immediately taken into the building and will be driven away from the site by the customers immediately upon the completion of the repair.

2. The waiver will not violate the Comprehensive Plan because the site is zoned C-2 Commercial and the proposed facility is permitted by right in that district.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the majority of the required setback is still provided, and this encroachment allow this site to be productively developed in something other than an extremely limited and impractical manner.

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 the

current restriction of the use of the site solely to a nursery use creates a situation where it is unlikely to have any development at all which deprives the property owner of a reasonable use of the property.