

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 of Section 10.2.4.B.6 to waive the required 25' perimeter landscape buffer along the 3700 Newburg Road property and to allow the proposed parking to encroach into the 25' perimeter landscape buffer area along the Armas Property (1909 Meadowcreek Drive).

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because a 6 foot vinyl privacy fence will be constructed along the rear/southern property line of the site mitigating any impacts. Trees will be used to further mitigate any impacts on the remaining grass area of the site and along the Armas property line. Moreover, the encroachment into the 25ft landscaping buffer is minimal along the 1909 Meadowcreek Drive property and is further buffered by a garage serving the residential property making the landscape buffer unnecessary. Any encroachment into 3700 Newburg Road property is mitigated due to the fact that the property is owned by the applicant. Finally, the amount of traffic using the entrance will be minimal because it will be used for buses bringing visually impaired students totaling only 4-5 busses per day and then only during the beginning and end of the school day. The remaining parking spaces will primarily be used by staff and on special occasions, limiting the amount of vehicular use of the site.

2. The waiver will not violate the Comprehensive Plan because all impacts are either mitigated or reduced by the construction of the 6 foot vinyl privacy fence and the landscaping being utilized, the buffer does not serve any purpose because a garage already completely blocks sight lines from the impacted residential property and because the other residential property alongside Newburg Road is owned by the applicant.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the size and shape of the property, being a long, narrow strip of land does not permit the large 25 ft landscape buffer and still have any useable land.

4. Strict application of the provisions of the regulation would deprive the applicant of a

RECEIVED

NOV 12 2018

DESIGN SERVICES

18 CUP 1142

reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would not have the necessary amount of parking and maneuvering needed to accommodate the increasing demands of the specialized pre-school. The applicant is providing a 6 ft privacy fence along the rear of the Armas property as well as providing additional trees in the remaining grass area of the site.

RECEIVED
NOV 12 2018
DESIGN SERVICES

18 CUP 1142