

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.**

1. Will the waiver adversely affect adjacent property owners?

Granting the waiver will not have an adverse effect on adjacent property owners. Due to the unique shape of the subject site and the substantial road right-of-way adjacent to the site, the setback of the proposed buildings will not be incompatible with nearby properties.

2. Will the waiver violate the Comprehensive Plan?

Granting the waiver will not violate the Comprehensive Plan in that plantings will still be provided where space allows within the remaining buffer. Furthermore, this design will result in more than 200' of green space between Smyrna Parkway and the subject site, which is significantly more green space than on adjacent properties.

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

Yes, the extent of the waiver is the minimum necessary that will allow the applicant to utilize the uniquely shaped northern portion of the site. All other applicable Land Development Code requirements are being met. Additionally, the 2018 approved development plan for the site included a waiver, which was approved, to reduce the Parkway Buffer to 15' in some places, which is much less than the current request of 25' at the closest point.

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?

The strict application of the provisions of the regulation would deprive the applicant of reasonable use of a sizable portion of the subject property. The proposal will result in an attractive, desirable residential community that will be an asset to the community.

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