

## **WAIVER JUSTIFICATION STATEMENT**

**Franklin Lofts, LLC**

**935 Franklin Street**

The requested waivers of section 10.2.4.A and 5.5.3.a of the Land Development Code, to allow the applicant to eliminate the required 35' Landscape Buffer Area (LBA) along the east and west property lines and to not provide the 3' masonry wall along the Franklin Street frontage of the parking lot, will not adversely affect the adjacent property owners. The existing structures encroach into the required LBA by 31.39'. Maintaining the existing encroachment will not adversely affect the adjacent property owners. The requested waivers will allow the applicant to use the existing gate at the entrance of the property, provide additional landscaping along the buildings where there is existing concrete, and maintain adequate parking.

The requested waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to continue providing adequate screening via the existing gate and fence. The subject site exists in the Traditional Neighborhood Form District. The Traditional Neighborhood Form District requires "particular emphasis on preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods)." Many of the structures in Butchertown are located close to side property lines; the proposed configuration of the structures and landscaping on the subject property will maintain the current configuration. The waiver will not violate the Comprehensive Plan and will instead allow the proposed development to maintain the character of the adjoining properties and neighborhood.

The waiver of the regulations are the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to utilize the property fully and adaptively while also maintaining the essential character of the general vicinity.

The strict application of the regulations would create an unnecessary hardship on the applicant as the applicant would be required to demolish the usable existing structures and redesign the layout of the structures in a way that would decrease the available off street parking and use of the site. The additional masonry wall would require the applicant to remove the existing fencing and gate and would decrease the usable parking space available.