

Waiver Justification Statement

1) Waiver from Chapter 10.2.4 to reduce the required landscape buffer areas from 35' to 10'-15' along the east side yard and 10' along the west side yard

(1) Will the waiver adversely affect adjacent property owners?

The waiver being requested along the existing R-7 and R-4 boundaries (east and west) will not adversely affect adjacent property owners. Appropriate screening and required plantings will be provided in compliance with the Land Development Code. These landscape elements will provide the appropriate buffering from the R-4 zoned portions of the adjacent parcel.

(2) Will the waiver violate the Comprehensive Plan?

The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses. The proposed buffer reduction will still allow for screening and plantings to be provided along both the east and west property perimeters to minimize any impacts of non-residential to residentially zoned parcels. These elements will combine to provide the suitable transition from the subject to the adjacent residentially zoned portions of the parcel along this majority non-residential corridor of Poplar Level Road. Due to reasons stated above, the waiver will not violate the Comprehensive Plan.

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow for the appropriate area needed to install underground detention on the site while meeting the parking needed for the individual contractor shop lease spaces. The required planting and screening will be provided with the contractor shops and its corresponding vehicular use area being gated with screening. The dumpster at the rear of the site near the east property perimeter will also be screened in accordance with the Land Development Code.

(4) Has either:

(a) The applicant has 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

(b) The strict application of the provisions of the regulation would 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 the reasonable use of the land or would create an unnecessary hardship on the applicant by preventing adequate space to accommodate the needed underground detention on site to meet MSD stormwater regulation requirements. It would also prevent the needed parking and loading for the contractor shops from being provided on site. The waiver is mitigated with the screening and plant material meeting Chapter 10 of the Land Development Code being provided along all property perimeters.