

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?

The waiver will not affect the adjacent property owners as the required buffer and plantings will be provided. The applicant will coordinate with Public Works to shift the sidewalk required along Hopewell Road further into the right of way to allow the shrubs to be planted on the property line and the street trees in the right of way. This will ensure that the plantings are less likely to be affected should work in the sewer easement be required. The owner will be required to maintain the landscape buffer.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan as the applicant shall provide the required buffer and is committed to maintain and replace the plant material if needed. In addition the applicant is proposing steps to reduce the possibility that the shrub buffer will need to be removed and replanted.

3. Is extent of 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 since the depth of the lot is set by the existing location of Hopewell Rd. & that of the Gene Snyder. The private sewer easement that will overlap the landscape buffer area is for an existing private sewer serving the adjacent commercial development. The owner will be responsible to replace the shrub buffer should work on the sewer result in its removal. A request to shift the sidewalk along Hopewell Rd further into the right of way is requested to allow the shrub hedge to be located on the property line so that it will be less likely to be affected should work be needed on the sewer line.

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 deprive the applicant of the reasonable use of the land and create an unnecessary hardship considering that the sewer line is existing and the applicant in requesting to shift the sidewalk further into the right of way as a measures to reduce the likelihood of the shrub buffer needing to be removed. Further the applicant agrees that the buffer will be replaced should work to the sewer line result in its removal.