

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 granting of this waiver will not adversely affect the adjacent property owners. The waiver request is in concerns with only the Northern property line/landscape buffer area which abuts only one adjacent property owner. The adjacent property is an unscreened parking lot with our proposed use being equal to or less intense in nature. In fact, the approval of this waiver will allow for a required MSD sewer and drainage easement, serving the Western sewershed, becoming a benefit to said adjacent properties. Tree canopy requirements will still be met for the overall canopy to be planted/provided.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan as the Site Design Goals for buffers and compatibility is still being met with the buffering along all other property lines and there is very little need to buffer between these two uses. Tree canopy requirements will still be met for the overall canopy to be planted/provided.

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

The granting of this waiver is the minimum necessary to afford relief to the applicant as there is a required MSD sewer and drainage easement along the Northern property line. This buffer area is required to be along the side and rear property lines, which at this time is being reserved for a 15' sewer and drainage easement. This easement will not be allowed to be planted in, making the required buffer along the Northern property line ineffective.

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 applicant will be required to meet the business parks own internal set of landscape requirements and review, typically more extensive that what would be required by the LDC. The reasoning behind this waiver request is due to requirements outside of the applicant's control, with the circumstances not being the result of actions of the applicant but subsequently being a result of the required MSD sewer and drainage easement. Tree canopy requirements will still be met for the overall canopy to be planted/provided.

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