

**General Waiver Justification- 22-ZONE-0065; 205 & 207 Meridian Avenue:**

Applicants Cheryl and Dan Fultz hereby request a waiver of LDC Chapter 10.2.4.B.3 to allow more than 50% overlap of the required LBA and utility easement.

1. The waiver will not adversely affect adjacent property owners because the LBA will still exist, although a portion of it will include utilities that the land planners and landscape architects will attempt, working with the utility companies, to still adequately landscape. This waiver request is routinely sought and granted and the LDC may soon be revised to eliminate the need for such waivers.
  
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the rezoning application. Landscape Character Guideline 13 and its policies will still be fully addressed.
  
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the balance of the LBA unaffected by utilities will fully comply with the LDC, and the part affected by utilities will mitigate them with enhanced or alternative landscaping worked out by the land planners and landscape architects working on this plan with the utility companies.
  
4. 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 because greater setback would be required than necessary to fully avoid utilities that can be accommodated as described above.