

General Waiver Application – Justification Attachment

The applicant is requesting a waiver to allow the construction of a retaining wall 6 ½ feet in height in a required LBA that is less than 25 feet wide.

The primary reason for the requested retaining wall is the elevations required for the storm water detention. The outlet elevation accompanied by the overall site layout dictates the berm height, which dictates the grate elevations for the parking area catch basins. These factors establish the actual elevations for the parking area near the Northeast corner of his site. Given these elevations the applicant then contacted the adjoining and most affected property owner.

The applicant met with the adjoining property owner requesting his cooperation in allowing him to grade approximately ten to fifteen feet onto their property. This request would have eliminated the need for a retaining wall. This request would have been accompanied with some form of compensation. Unfortunately they were unable to reach an agreement. The applicant is requesting a waiver to allow the construction of a retaining wall 6 ½ feet in height in the required LBA.

1. Granting the waiver request will not adversely affect the adjacent property owners. This is near the end of the Northeast parking area. The wall will vary from 1 foot in height to 6 ½ feet in height. The required plantings and 8' screening fence will be installed.
2. Granting the requested waiver will not violate the comprehensive plan. The applicant is still proposing to provide buffering along this property line in compliance with the LDC and Comprehensive plan. The only exception is the retaining wall. The plan is still in keeping with the approved Development Plan. Given the unusual circumstances this request is appropriate.
3. The applicant has considered other options that have that have included off-site grading, or reducing the parking, but that also requires reducing the building square footage. The proposed use is the most desirable for the applicant and appears to blend most aesthetically to the neighborhood. This is the minimum relief needed by the applicant to make this a viable project.
4. The applicant has incorporated measures to have a minimal impact on the neighborhood. The wall will be at it shortest as seen from "Old" Factory Lane.

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