

# Variance Application – Justification “attachment”

## Logistics Airpark: Case #20-DDP-0044

### **1. Will the waiver adversely affect the adjacent property owners?**

Granting the requested waiver will not adversely affect the adjacent property owners. The existing lake is on an adjoining property and this project will not be negatively impacting the lake.

### **2. Will the waiver violate the Comprehensive Plan?**

Given the above stated observations regarding land uses to be buffered, the apparent compliance with the landscape ordinance, the applicant’s waiver request itself, the location of the existing lake and its use as a storm water detention basin, and the required landscape and screening for other buffers, granting the requested 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 applicant has taken great care to minimize the impact of the proposed development on surrounding properties. The subject property is constrained by existing utilities and their related easements, an archaeological site to be preserved, floodplain, wetlands, obligations made through prior zoning cases and the current Land Development Code and Comprehensive Plan. As stated above the requested waiver is the minimal necessary relief.

### **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?**

While now considered protected waterway, this lake was the result of excavation of shale that created the area for the lake. This shale was to provide for the Evangel Church foundations when it was built. This shale was also used on the runways at the airport. It was and remains a storm water retention basin for the church. Further, when the overall Shadowood project was going through several years ago that area was planned to be used as a compensation basin for floodplain water in wetlands.

For the reasons stated above denial of this waiver request will deprive the applicant of reasonable use of his land. Denial of the request simply causes the applicant to reduce the size of the proposed building and in so doing has a significant economic impact on the project.