

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?

A waiver allowing more than 50% LBA overlap in an easement will not impact the ability of adjacent property owners to meet screening and buffer requirements. The waiver will also allow for a continuous, cohesive line of landscaping along the frontage of Terra Crossing Boulevard and Terra Crossing Court with adjacent properties which have been able to landscape closer to Terra Crossing Boulevard right-of-way.

2. Will the waiver violate the Comprehensive Plan?

The Suburban Workplace Form District is defined to be where “buildings are set back from the street in a landscaped setting.” Landscaping within the easement will help screen the development while maintaining efficient circulation around the site. The landscaped setting as stated in the Comprehensive Plan will still be provided.

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

The waiver would allow pavement to be provided closer to the streets. The pavement is necessary to provide the parking and vehicle circulation necessary for the operation of the drive-through ATM and business operations. The project is proposed to tie into the Publix Development parking lot and provided curb cuts onto Terra Crossing Court. The drive through ATM and parking lot drives have been provided to match the provided curb cut and efficiently connect into the parking lot.

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 project property has frontage on Terra Crossing Boulevard (a local road) and Terra Crossing Court (a private access drive). There are gas, electric, telecommunication, and storm water easements along both streets that extend the entire frontage of the property. These easements are wider than the provided 15' landscape buffer along most of the frontage. Pavement would need to be set back approximately 20' to 30' from the streets to provide the landscape buffer outside of these easements, which would create unnecessary hardship on the development. Any required landscaping removed during the execution of the easement shall be replaced at that time.