

General Waiver Justification: 22-ZONE-086; 4301 Westport Road

The Applicant, Hagan Properties, Inc. hereby request a waiver of LDC Section 10.2.4 to reduce the required 25 ft LBA to 6 ft along a portion of the eastern property line.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the 25 ft buffer is only required along this side of the property as it is within the City of Windy Hills. The applicant is proposing a 6 ft privacy fence along this property line and as the adjoining property will not have a view of this area of the site and the reduced LBA behind the fence and will therefore not be negatively impacted by the reduced LBA in this area. The building does not encroach into the LBA. (See attached site plan). The proposed building is only a few feet closer to this property line than the existing structure which will be removed.
2. The waiver will not violate the Comprehensive Plan because the main Guideline and applicable Policies impacted by this application are the Guideline 13 Landscape Intents and Policies. The LDC requirements for tree canopy and internal and perimeter landscaping are fully complied with irrespective of this waiver application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the LDC requirements for tree canopy and internal and perimeter landscaping are fully complied with irrespective of this waiver application. This requirement is due to the boundary of the City of Windy Hills with the enlarged LBA on a small portion of this site.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the self-storage facility at this location needs to have a drive aisle around the building and associated parking. Full compliance would require tapering the building at the rear of the site which would cause construction issues for the exterior and interior of the building that would compromise its utility and design.