

Statement of Justification 03/05/2024

A variance is requested to the minimum rear (abutting residential) landscape buffer to allow for a reduction in the width of the rear landscape buffer. The landscape buffer reduction is requested along the property line shared with Andelia Watkins, PIN: 1759806216.

1. LDO section 6.2.2.1 Perimeter Buffers, sub-section G, Table 6.2.2.2 states a Type 3 landscape buffer will be required for properties zoned Commercial abutting properties zoned Residential. LDO section 6.2.2.1 Perimeter Buffers, sub-section E, Table 6.2.2.1 states the requirement that Type 3 landscape buffers should have a minimum width of 25 feet. Unnecessary hardship will result from the strict enforcement of these sections of the LDO. The existing grade of the site slopes towards the section of the property which abuts the residential property. The only reasonable location to place the stormwater control measure (SCM) and maintain the current drainage pattern is at the back of the property within 25 feet of the rear property line. The site also has an existing sanitary sewer force main with a proposed 6' sewer easement along this portion of the site within the 25' landscape buffer width.
2. The topography of the site limits the location of a stormwater SCM. An SCM similar to that of the adjacent Commercially zoned property, Sonic, is proposed for this site. Property 1759807165, Sonic, has similar topography as that of the proposed The Learning Experience. The SCM of the Sonic is located within 25 feet of the rear property boundary abutting the same residential property.
3. The hardship is a result of the site topography and sanitary sewer easement within 25' of the rear property line. The only reasonable location of the SCM is at the rear of the property. Additionally, no plantings will be allowed within the 6' sanitary sewer easement.
4. The requested variance asks to reduce the landscape buffer width only enough to ensure the proposed SCM can be implemented to effectively treat and detain the stormwater runoff from the proposed development and keep any plantings out of the sewer easement for future maintenance. The proposed SCM will be placed in a similar location as that of the adjacent property, Sonic, abutting the same residential property. The variance is only for the portion of the landscape buffer where the proposed SCM is located and where the sanitary sewer easement lies. The plantings required for a Type 3 landscape buffer will be planted as stated in section 6.2.2.1, sub-section E, Table 6.2.2.1 of the LDO. A fence will also be provided as required for the Type 3 buffer.