

1. The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

The property of the Cypress Trust Bank is an existing commercial development as it used to be the old Petty's meat market. It has laid dormant for some time but is under renovation to bring the property back to life. To address this item there are existing conditions that should be considered for this property and along the property lines for which the wall waiver is requested. They are as follows:

- ✓ *The recent multifamily construction project to the north and east of the Cypress Trust property is constructing a Type A buffer and has already installed an enhanced fence along both property lines. The fence is 6' tall and has concrete columns spaced to enhance the appearance and durability. The fence construction adds to the hardship of constructing a wall along these property lines as it would be in conflict for access and maintenance. (see photos)*
 - ✓ *There are existing overhead power lines and existing parking pavement that runs within three feet of the property line to the north. This pavement is being maintained and striped out for emergency access around the building. These details would add to the hardship of construction of a wall due to spacing for footers and excavation for installation. (see attached photos).*
 - ✓ *There is an existing dry retention pond along the east property line that has a narrow bank and height. The shape and topography of the dry retention pond would add to the hardship for construction of the wall as it could negatively impact the slope, stabilization or volume of the dry retention pond as there is not an open top of bank area for the wall construction (see attached photos).*
2. The granting of the waiver will not be injurious to the other adjacent property.
 - ✓ *Granting a waiver of the wall will not be injurious to the adjacent property as they included a fence with landscaping as part of their proposed development which shall remain.*
 3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.
 - ✓ *The Cypress Trust property was permitted and constructed as Petty's Meat Market many years ago. At that time the surrounding zoning classification was the same as the Cypress Trust property PIP (Planned Industrial Park) and therefore a wall was not required around the perimeter. During a rezoning action in 2018 (17PZ00109), the property surrounding the existing commercial development was approved to be RU-2-15. This action created a nonconforming situation for the existing property that was not a result of the actions of the existing property owner or applicant. The proposed development does not expand on the footprint of the building but proposes inclusion of a*

teller window, ATM and driveway pavement along the north of the building. The site is existing with the previously mentioned pavement, overhead power lines and existing stormwater retention that conflict with construction of a new wall. These considerations in combination with the condition that there is a very new existing enhanced fenced buffer along the same property lines are unique to this site, not generally applicable to other properties and do not result from the actions of the applicant.

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.
 - ✓ *Approval of the requested waiver is consistent with the intent and purpose of the county zoning regulations, the County land use plan and the requirements of this article.*

PROPERTY LINE PHOTOS



NORTH PROPERTY LINE



FENCE POST AND POWER POLE EXISTING



EAST PROPERTY LINE