

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will **not** be accepted.

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect the adjacent property owners. The area that the waiver is requested for will remain the same as it has been prior to the request. The area that is being developed for the tennis courts will provide a 6' vinyl fence to screen adjoining residential property owners from courts and parking areas.

2. Will the waiver violate the Comprehensive Plan?

The area is currently zoned OR-3 and the use proposed is less intense than what the current zoning district would allow for.

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

The extent of the waiver will allow screening where new construction is proposed but allow the residual property enough width to facilitate football practice with typical High School field dimensions.

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?

Strict application of the provision would require the applicant to plant trees and shrubs that were intended to screen residential users from buildings, parking lots, and associated construction. In this case, the use is a grass field. For the 4' LBA along the right-of-ways, the planting of shrubs and trees are to soften the impacts of buildings, parking surfaces, cars etc. In this case the proposed construction is tennis courts and a grass field used only during limited times throughout the year.

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