

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 Commercial outlot sits in the middle of a commercial complex, all of the neighboring properties are either commercial in nature or a named road. The waiver will not affect any adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

The two waiver requested do not violate the comprehensive plan as the use is a commercial use in a designated commercial setting.

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

The extent of the waiver is the minumum necessary as they exist due to an abundance of utility easements and a residual portion of the site having a residential zoning designation.

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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 regulation would make the lot not buildable for most uses. The applicant has found a user that has the smallest footprint for operations. The proposed development uses a very small portion of the lot in order to accomodate the many utility easements that exist on the site.