

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No, the development of the parking lot will improve the aesthetic of the property.

2. Will the waiver violate the Comprehensive Plan?

The full required buffer will not be required, but some landscaping will be installed.

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

Of the 35' LBA was provided, the lot would become unusable and the entire width would be encompassed by a landscape area.

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?

Landscaping will be provided partially along W Broadway and along S 40th Street.

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1. Will the waiver adversely affect adjacent property owners?

The development of the parking lot will improve the aesthetic of the existing lot. Fencing and shrubs will be installed instead of the masonry wall.

2. Will the waiver violate the Comprehensive Plan?

The fencing and shrubs will meet the intent of the screening required by the Land Development Code.

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

Given the lots dimension, the wall would be disproportionately costly in comparison to the parking lot budget.

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?

Picket style fencing and shrubs will be provided along part of W Broadway and all of S 40th Street.

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The lot previously contained a structure and has been vacant for years and used as parking to support the nearby church. This project will improve the parking lot and provide a basketball area for neighborhood use.

2. Explain how the variance will not alter the essential character of the general vicinity.

The lot serves as support for the church across 40th Street. Also a open structure will be constructed in the similar area the old building was located, which is in line with other homes along Broadway.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The use as parking and basketball has been in operation for x years.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Locating parking in a building setback is not an unreasonable circumvention and without the variance, the parking lot would be reduced significantly.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This lot is very narrow and thus providing an organized parking layout does not lend many options. In order to best utilize the property and maximize parking, a variance is needed.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The parking lot would have to be reduced if a variance is not granted.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Relief is not being sought subsequent to the adoption of the regulation.