

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?

This waiver will not adversely affect any adjacent property owner. A connection from the subject site would not be beneficial as this site offers little opportunity for connection in contrast to the adjacent sites that are much larger and can stand on their own without a connection to the subject site. Additionally, the private nature of the site would be hindered by such a connection as the proposed use is to be primarily for the residents of Ashton Park and St James Crossing.

2. Will the waiver violate the Comprehensive Plan?

No, this waiver will not violate the comprehensive plan because a cross connection from the subject site would be of little benefit to this site and those adjacent.

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

The extent of the waiver is the minimum necessary in order to afford relief to the applicant.

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?

The strict application of the provisions will create a hardship on the applicant. Providing this connection to the adjacent site will mean not providing enough parking to meet the needs of the fitness center's users and to meet the required minimums for the proposed use.

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