

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?

10.2.4.B- The waiver will not adversely affect the adjacent property owners since the required plantings will be provided on-site.
10.3.5.A- The applicant plans to install extra landscaping materials to enhance the area and to allow a portion of the buffer to penetrate the site.

2. Will the waiver violate the Comprehensive Plan?

10.2.4.B- The waiver will not violate the Comprehensive Plan. In compliance with Guideline 3, the parking and circulation areas will be buffered with the required plantings.
10.3.5.A- The required plantings will be provided within the Parkway buffer, and the setback from the edge of pavement of Old Henry Road will be compatible with nearby properties.

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

10.2.4.B & 10.3.5.A- The extent of the waiver of the regulation is the minimum necessary to afford relief, since the required plantings will be provided between the parking lot and the public street.

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?

10.2.4.B & 10.3.5.A- The strict application of the provision would create an unnecessary hardship since the required plantings will be provided. The site layout and building size is necessary for the financial feasibility of the project on this prime site.

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10.3.5.A- The extent of the waiver of the regulation is the minimum necessary to afford relief, since the required plantings will be provided between the parking lot and the public street.

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