

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.

Waiver of: Section 10.2.4 for the existing drive lane to encroach into the 25 ft landscape Buffer Area adjacent to Evergreen Cemetery.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the property along this encroachment area is a cemetery and a proposed wood privacy fence would better protect the solitude of the area anyway.
2. The waiver will not violate the Comprehensive Plan, notably at Guideline 13, Policy 6 because the screening fence will provide a good buffer protection.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because no other waivers or variances are needed and only this one along a property line that is not common with any living occupants of the adjoining property.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because this is an already built condition in which case the amount of parking and size of the proposed replacement building are both being reduced.

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