

**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?**

The driveway which will be converted into an access easement was built some time ago. A chain link fence is immediately adjacent to the the drive on its westerly side. There are no complaints from adjacent property owners about the drive. If it were widened to meet LDC requirements, however, it would be safe to say that neighbors would be alarmed, in particular due to the fact that most lots along River Park are narrow and street frontage is a precious commodity.

**2. Will the waiver violate the Comprehensive Plan?**

The intent of this minor plat is to help consolidate properties owned by Mr. Anthony French, and also to provide him a mechanism to deed property to his son, who lives in the house in the rear, the building on the proposed Lot 2 on the minor plat. As it stands one lot contains two houses, while this plat would put each house on its own lot, as current regulations require. Hence, this waiver would enable this site to conform to the Comprehensive Plan.

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

Yes. If approved, the applicant plans no further construction. This minor plat is proposed to enable him to better organize his holdings and to allow him to divide the property he lives on from the property his son lives on.

**RECEIVED**  
FEB 17 2014  
PLANNING &  
DESIGN SERVICES

**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?**

Present regulations are stricter than those at the time the buildings shown on the proposed minor plat were constructed. The two houses, garage and driveway are all existing. This waiver would allow the property to be divided in such a way that the property owner better conforms to existing planning goals. No new construction is proposed and no substantial change in the use of the land is proposed. A denial of this waiver and hence a denial of the minor plat would hinder the meeting of planning goals and also deprive the owner of the reasonable use of his land.

