

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. **How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

The proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code by maintaining the existing area pattern. Third street is lined with a natural drainage ditch and none of the properties along 3rd street have sidewalks.

2. **Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

Compliance with the regulations is not appropriate as none of the properties on 3rd street have sidewalks preserving the rural characteristics of the area.

3. **What impacts will granting of the waiver have on adjacent property owners?**

Granting the waiver will have no impact on adjacent property owners.

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4. **Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

The strict application of the provision of the regulation will deprive the applicant of time and resources and create unnecessary hardship as engineering of road drainage will be required and 3rd street being a state road the modification of drainage patterns will require state approval. Moreover agencies may not allow modification of drainage patterns. This process not only will be addition expense but also a delay in schedule. The applicant would incur in cost for a sidewalk that will never connect with adjacent properties and will modify the existing character of the neighborhood.

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 variance requested will not adversely affect the public health, safety or welfare as it does not change the existing neighborhood pattern.

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

The variance requested will not alter the essential character of the general vicinity as the natural sloped terrain is not altered. The proposed development complies with the existing built pattern in the area. The new building located in the center of the property will not be very visible from adjacent properties.

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

The variance requested will not cause a nuisance to the public as the existing tree canopy and landscaping is not altered and with the natural sloped terrain create a buffer from adjacent properties.

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

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations as the general character of the area from the street and surrounding properties will remain the same.

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).

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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 strict setback enforcement will deprive the applicant from reusing the existing structure as the master's residence and would force the applicant to alter the natural slope of the site.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought? No

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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 waiver requested will not adversely affect the public health, safety or welfare as it does not change the existing neighborhood pattern.

2. Will the waiver violate the Comprehensive Plan?

The waiver requested will not violate the Comprehensive Plan. The essential character of the general neighborhood will not be altered. The natural sloped terrain and existing landscaping creates natural landscaping buffers. The proposed development complies with the existing built pattern in the area.

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the encroachments are limited to the VUA as necessary to provide required parking, vehicular access and all required plantings will be provided onsite.

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 applicant has 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) by providing greater landscaping areas along the majority of the property lines and preserving tree canopy that exceeds the required tree canopy by more than 300%. The strict application of the regulation would create an unnecessary hardship due to the fact that the proposed parking would have to be relocated further from the building to be served and would implicate removal of existing established tree canopy.

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Contact Information:

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