

## **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 will not adversely affect the adjacent property owners as similar waivers were requested on adjacent lots to the west. The developer will still be able to plant the required material to provide a buffer. Also the right of way of Old Henry Road is unusually large, so the reduction in the parkway buffer will be offset due to the the extra-large verge area.

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

This development will not violate the Comprehensive Plan because the proposal is compatible in scale and intensity to the adjacent developments, appropriate plantings and buffers will be provided, and the extensive verge on Old Henry Road will maintain the intent of the parkway.

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

The request is the minimum necessary to afford relief to allow the applicant to provide appropriate parking to serve this development.

### **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 regulation to not reduce the Parkway buffer would create an unnecessary hardship since the required plant material can easily be fulfilled and since similar waivers have been approved on adjacent sites. Case #15DEVPLAN1120, and #13239 both had similar waivers approved.