

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?

This request will not adversely affect the adjacent property owners because the amenity area is intended to only serve the development/user of the site on which it is located and with this request an amenity area will still be provided to serve this use.

2. Will the waiver violate the Comprehensive Plan?

The request will not violate the Comprehensive plan because an amenity area will still be provided for use by the employees of this building, just at a reduced size that is more appropriate for the number of employees as opposed to the overall size of the building.

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

The waiver of the regulation is the minimum necessary to afford relief to the applicant since as written the amenity area would be over sized just as a warehouse is typically much larger in scale than other buildings with the same number of employees. In addition, the size of the amenity area impacts the number of seats that need to be provided since it is based on the size of the amenity area. Therefore basing the size of the amenity area on the size of the office makes its size more consistent with what is required for other uses.

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 provisions of the regulation would create an unnecessary hardship on the applicant with the requirement for a much larger amenity area than would otherwise be required if the size of the area was related to the number of employees. (A much smaller building or one with multiple stories, but with the same number of employees would provide a smaller amenity area since the size is currently determined based on the building footprint.)

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