

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?

No. The waiver will not adversely affect adjacent property owners and will allow the units to fit within the confines of the property without impacts to the water course.

2. Will the waiver violate the Comprehensive Plan?

No, the waiver will not violate the Comprehensive Plan. The overall site fits well within the existing condominium unit projects.

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

Yes. Based on the unit type and size for the project, the building slightly encroaches into the 50-foot parkway buffer/75' building setback.

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?

Yes. A major portion of the property will remain undeveloped open space, heavily treed, with a natural water course running through it.

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District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission 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. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

Yes. This site includes some steep slopes and water course, however, the site is being designed to protect the water course and provide for fall away units on the slopes. All natural resources are being preserved.

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Ye. Access is provided directly to an existing roadway and pedestrian access will be provided along the proposed drive.

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Yes. A major portion of the site behind the proposed development will remain open space.

4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Yes. A portion of the access drive will tie into existing storm drainage to the south and a portion of the existing site will drain to the existing water course that runs through the site.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The site design for the condominium project fits well within the surrounding condominium projects along Old Henry road and Factory Lane. There are a number of similar previously approved projects in the area.

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Yes, the project is in conformance with the Comprehensive Plan and meets current Land Development Code requirements.

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