

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?

Granting the waiver will not have an adverse effect on adjacent property owners as this situation already exists.

2. Will the waiver violate the Comprehensive Plan?

Granting the waiver will not violate the Comprehensive Plan because the required plantings will still be provided within the parkway buffer. Additionally, this waiver was approved when the overall plan was approved several years ago.

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

Yes, the extent of the waiver is the minimum necessary that will allow the applicant to continue to utilize the established development pattern within the site and throughout the shopping center.

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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 deprive the applicant of reasonable use of a sizable portion of the subject property. The existing connection to the adjacent property can not be made without this waiver.