

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.

Waiver of: Section 10.2.4 to waive the required perimeter buffer plantings and to allow the encroachment of the existing buildings and improvements into the required property perimeter buffer.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because there will be no change to longstanding existing conditions. The buildings were built to the lot lines in the early 1880's including the canopy in the right-of-way for which a license agreement will be obtained from Metro Public Works pursuant to arrangements made with Al Andrews.
- 2.
2. The waiver will not violate the Comprehensive Plan as set forth in the rezoning application's statement of compliance.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the 1880's buildings were built to the lot lines and no other relief is available.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the buildings are existing and would have to be moved or demolished in order to comply.