

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 allow the existing buildings to encroach into the LBA along the eastern property line.

1. The waiver will not adversely affect adjacent property owners because the adjacent property owner has already indicated his support for the rezoning and the waiver, and these properties each have existing buildings located near or on the property line, thus this waiver does not create any new privacy or buffering issues. We have provided an e-mail showing support from the only affected adjoining property owner.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance filed with the original rezoning application, as the waiver is necessary for the rezoning and the continued growth of mixed-use properties in this area, given that this development will have three residential units and one commercial unit within the same building.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the buildings on both properties are already located in the area of the requested LBA waiver.
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 without this landscape waiver it would be impossible to rezone this property without demolishing the existing buildings. Additionally, this parcel is long and narrow, and the LBA consumes at least half of the property, so the waiver is necessary to permit any reasonable development of the parcel.