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PLANNING & DESIGN SERVICES

**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?**

The waiver will not affect adjacent property owners because the property to the east is a L G & E substation and the nearest residential structure to the east is over 300 feet from our property line. The north property line is adjacent to a railroad that is approximately 10-12 feet above the site.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comprehensive Plan since there is not any different land use near the construction site to be buffered. We will be planting a number of trees to offset any adverse impact this project may have on adjacent properties.

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

If the waivers are not granted the existing structure will remain so it is the minimum relief necessary to allow the project to be constructed.

**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?**

Strict application would result in the project not being constructed which would be a hardship. We are also taking measures to compensate through additional tree canopy, sidewalk construction and upgraded pedestrian access.