

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

No, this addresses an internal zoning boundary on the site between OR3 and R7 (which both permit the intended use) and will not effect the required landscape buffering area on the perimeter.

2. Will the waiver violate the Comprehensive Plan?

No, this will not violate the comprehensive plan, having an internal landscape buffering area due to a zoning line in the middle of the property is nonsensical in this situation for such a small corner portion of the property in question. This waiver will have no affect or violation of the comprehensive plan. This is a technical issue requiring resolution by waiver.

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

Yes, waiver is appropriate and the minimum necessary to afford relief to the applicant. Removing the landscape buffer area within the property boundaries is the only solution given its location and proximity to the actual property boundaries. In addition, the use is permitted by right in both R7 and OR3.

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 would deprive the applicant of the reasonable use of the land by requiring a buffer zone along an arbitrary zoning line between OR3 and R7 without any material benefit to the adjoining property owners or the owner, which is not only a deprivation of reasonable use, but also an unnecessary hardship by increasing costs and reducing development area on the property for the owner.