

**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 existing tributary to Greasy Ditch and the existing earthen flood wall and concrete flood wall is between the adjacent properties and the property line of the hotel. The existing flood wall is approximately five feet above the adjacent properties blocking the view of any vehicles in the parking lot. Additional green space will be provided and trees will be planted along the property lines in question as a part of proposed development.

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

The waiver will not violate the Comprehensive Plan because of the existing buffer situation previously described.

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

If the waiver is not granted the hotel will lose approximately 90 existing parking spaces for the development and portions of the existing access lanes. This would result in the hotel on Tract 2 closing down or the proposed renovations plans being abandoned. The future development on Tract 3 would also be significantly impacted. This action would not only hurt the hotel owners but also the community because we would lose an opportunity to upgrade an existing structure that is in dire need of a facelift.

**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?**

As mentioned in question 3 strict application of this provision of the regulation would result in the hotel closing down or the proposed renovations plans being abandoned. As a part of the renovation program we are removing existing asphalt areas and adding landscape island and plantings well beyond the requirements of chapter 10.

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