

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 granting of the waiver will not have an adverse effect on nearby property owners. There is an elevation change on this site and the proposed building will be set at a higher elevation than Major Lane. This makes street level windows on the rear façade impracticable. Additionally, this is the rear façade and will be mostly lined with patient rooms and for obvious safety and privacy reasons it is not desirable to install clear windows affording views into patient examination rooms.

2. Will the waiver violate the Comprehensive Plan?

Granting the waiver will not violate the Comprehensive Plan as the rear façade of the building will still have architectural interest and proposed landscaping will help break up the façade.

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

The applicant is requesting the minimum relief necessary and the other facades of the proposed building will be compliant with the Land Development Code. Also, the rear façade will have some clear windows, just not the full requirement of the LDC.

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?

This small parcel is highly visible on all sides, but the nature of the proposed medical office requires areas of the interior of the building to not be visible from adjacent streets and properties. The rear of the building happens to be adjacent to a public right-of-way, and since this is a double frontage lot this makes building design options somewhat limited.

