

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?

No. This waiver is interior to the Blankenbaker Station II Business Park and will have no bearing on adjacent property owners. In addition, no other tenants of the business park have been required to provide amenity areas to date.

2. Will the waiver violate the Comprehensive Plan?

No. An amenity area will still be provided to serve the employees of this building, but at a reduced size that is more appropriate for the larger warehouse use, so it will not violate the comprehensive plan.

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

Yes. According to the regulation, the applicant would be required to provide almost ¾ acre in amenity area, equaling over 157 square feet of amenity space per employee. Instead, the applicant proposes 1,000 square feet of amenity area, equal to 10% of the office space provided. This is more appropriate given the size of the building and the nature of the proposed use.

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 of the regulation would require the applicant to provide a significantly larger amenity area than what would realistically be required to accommodate the number of employees that this facility could have. This would, therefore, create an unnecessary hardship on the applicant.

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