

**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. The parking lot is existing and the 5 ft. LBA was previously approved. We are rezoning the property to C-1 to make the area consistent zoning. No construction to the parking lot is proposed. Current Land Development Code requires a 35 ft. LBA instead of the 5 ft. that exists. The existing landscape materials will remain.

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

The requested Waiver is related to a request to rezone a portion of the property from R-4 to C-1 to make the entire property C-1. This will not violate the Comprehensive Plan as the existing LBA will remain as previously approved.

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

The request is only for the rear of 1805 Kingsford Drive property and is prompted by the zone change request that is attempting to revise the zoning so the entire property is C-1.

**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 of the current Land Development Code to provide the 35 ft. LBA would eliminate/remove the entire parking area that was previously approved with a 5 ft. LBA.