

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.

Waiver of Section 10.2.4 to encroach into the Fiesta Way LBA.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the encroachment is limited to the Fiesta Way access on the subject property. Fiesta Way is constructed and dedicated to public use by the applicant to provide connectivity to the residents living in the area. If this area wasn't being dedicated as right of way, the property perimeter LBA in this location would not exist.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver results from the connection VUA connection to Fiesta Way for access to the site with no other encroachment.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the waiver is the result of the dedication of the right of way for Fiesta Way to provide a connectivity benefit for area and will not have any adverse impact on any adjoining owner.