

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will **not** be accepted.

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners because the neighboring property is a commercial development with their own access.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan since pedestrian connectivity will still be provided.

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

Yes the extent of the waiver of the regulation is the minimum necessary to afford relief since strict application of the requirement would impact the location and the size of the proposed apartment building, and causes an unnatural elevation difference where a "retaining wall" is in place now.

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 regulation would deprive the applicant of the reasonable use of the land, and would create an unnecessary hardship on the applicant for placement and size of the proposed apartment building on the site.