

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 Church owns the adjacent property in the area of the waiver request so there will be no adverse affect on the adjoining property owner. In addition, due to the existing terrain, a landscape buffer in this location wouldn't prevent nearby property owners from seeing the proposed church building anyway, because the property line sits 23' below the proposed finished floor elevation of the church.

2. Will the waiver violate the Comprehensive Plan?

No. The waiver will not violate the comprehensive plan because the distance between the proposed Church and the adjoining property, as well as the existing terrain and protected pond buffer will mitigate any perceived incompatibility issues that the landscape buffer is intended to address.

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

Yes. The applicant is only requesting this waiver along the common property line between the church-owned parcels. All other buffer requirements in the area of development, especially those property lines that are much closer to existing residences, will be met.

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 plant vegetation that would obstruct their view of the lake on the adjacent property which they own. In addition, it would have no effect on the ability of other nearby property owners to see the proposed church building due to the existing terrain. Therefore, it would create an unnecessary hardship on the applicant.

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