

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?

The approval of this waiver will not negatively affect adjacent property owners. The proposed 3' masonry wall and landscape buffer area will appropriately shield the on-site vehicular parking zone from adjacent commercial lots to the east. The proposed parking will be significantly set back from the south property line on W Breckinridge St, and will also only be accessed from the east and west. In addition, the applicant also owns adjacent properties to the west and will not be adversely affected by the waiver.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan since adequate parking to serve the development will be provided and the proposed masonry wall will be added to keep the general aesthetics and mitigate adverse impacts of on-site traffic from adjacent properties.

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

The waiver is the minimum necessary to afford relief to the applicant to allow for the best design of the site. Without the waiver, the applicant would be required to locate the parking lot in the rear of the property where the shape and design of the building is best suited to help enhance daily work operation because it would feature a linear expansion to the existing business. Without the waiver, the daily operation would have to be completely altered and the building and parking lot would both have to be irregularly shaped and not easily accessible.

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 provision of the regulation would deprive the applicant of the reasonable use of the land as locating the parking lot on the side of the structure is the only option to allow the facility operation to expand. Requiring the parking lot to reside behind the structure creates an unnecessary hardship for owner in reconfiguring the shape and location of the building and proposed parking lot.