

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 waiver will not adversely affect the adjacent property owners as the adjacent lot is undeveloped and owned by Kosmos Cement Co., LLC an industrial company which is a leading supplier of heavy construction materials and whose primary facility is just east of the site. This waiver is for the existing gravel lot to remain, to allow access to the existing garage and truck maneuvering. New construction on this lot, one of three lots making up this development, is proposed to remove gravel along the lots Dixie Highway frontage and replace it with a landscape buffer area.

2. Will the waiver violate the Comprehensive Plan?

Since the waiver is for an existing condition to allow access to the existing garage and truck maneuvering, since the adjacent lot is vacant and not likely to be developed for residential use, and since the same buffer will be provided as required on the expansion area, it being new construction and provided at least if and until the zoning of the adjacent R4 property changes, and therefore the waiver proposed will not violate the Comprehensive Plan.

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

The waiver is the minimum necessary to allow the applicant continued access to the existing garage and maintain truck parking and maneuvering on this lot.

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 applicant is a small business owner previously unaware of the Land Development Code requirements who is trying to now maintain the business and bring it into compliance. As such the strict application of the provision of the regulation would create an unnecessary hardship. The applicant will provide the required buffers on the expansion area and remove gravel to provide a landscape buffer along its Dixie Highway frontage.