

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 adjacent property owners as the adjacent users within this development currently do not meet the requirements of 5.6.1.C themselves. The general uses of this development do not lend themselves to providing as many windows and doors as well as window placement and size compared to what is required. The current proposed use as multi-level storage does not encourage the overabundance of windows for security reasons and the existing uses, movie theatre and family entertainment, do not use many windows due to lighting as well as security.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan as it will blend in with the surrounding existing character all while not diminishing any of the goals, objectives or plan elements of the Plan 2040.

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

The granting of this waiver is the minimum necessary to afford relief as the intended use does not require or benefit from the architectural features listed in 5.6.1.C of the LDC. There will be windows and clear entry ways provided but less than 50% of the walls surface. This building physically acts as a secure perimeter and climate controller for the interior storage units and an increase in windows past 50% would reduce both the security of the facility as well as an efficient means of climate control by directing more sunlight into the structure.

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 these provisions deprives the applicant reasonable use of the land for their intended use of a multi-level storage facility. With increased windows comes decreased security, threatening the business model of this proposed use. While the applicant is requesting less windows the building per 5.6.1.C they are however providing a very unique building with modern features and a staggered roof line. These proposed features, although not transparent, will arguably add more character to the surrounding development in place of the required windows.