

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 because the 6' screen would only be waived between the multi-family residential development parking and the adjacent existing retail center parking. The required 5' buffer and tree requirements would still be provided.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan for all of the reasons set forth in the original rezoning of the subject parcel to C2, with the change to a less intense residential use.

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

The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is only proposing to eliminate the 6' screen. The required tree canopy for the buffer will still be met, and 5' of greenspace shall be provided.

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 provisions of the regulation would create an unnecessary hardship on the applicant because providing the 6' screen provides no benefit to the multi-family residents to mitigate impacts from the adjoining retail development, but would merely screen parked cars from other parked cars.