

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 high school since it is not a residential property and the remainder of the existing wooded area will continue to provide sufficient buffer between the properties.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan since the proposal provides sufficient buffer between the properties and existing plantings to be preserved will screen the two different uses.

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 developer to complete development of a property that was commenced in the 1980's.

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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 proposing to increase the square footage of storage and vehicle use area less than 20%. If the development was not in the Form District Transition Zone the waiver would not be necessary. The intent of the Transition Zone is to protect the lower land use property from development of higher land use properties. In this case the adjacent high school, even though zoned residential, is a more intense use than the proposed mini-warehouses. Therefore strict application of the regulation would create an unnecessary hardship on the applicant.

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