

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?

No. We believe that the proposed residential building will enhance the existing neighborhood. Our proposed building is very aesthetically pleasing and stays within the height limits of the neighborhood. Its use as a residential rental is consistent with the adjacent properties. Including the existing residence at 728 East Chestnut, the block is a mixed-use block with a single residence homeowner to the left and multi-unit rentals to the right, across the street and elsewhere on the block. The addition of our proposed building will match the other residences, which currently use their rear lots for single residence, residential rentals, a sculpture studio, etc.

2. Will the waiver violate the Comprehensive Plan?

No. The Waiver will not violate the Comprehensive Plan. Our proposed building will be of similar height as the existing structures in the neighborhood, its use will be in character with the uses of the existing structures in the neighborhood (a mixed use residential rental neighborhood), and it will increase the availability of housing opportunities. The density of this district allows for 6 units. Our proposed building will add 3 – bringing 728 East Chestnut to 5 total units.

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

Yes. The waiving of the accessory structure restriction will allow us to build our proposed building. We have reviewed all of the other guidelines including height limits, parking, zoning, and land. Our proposed building complies with all of the requirements in these areas. With this waiver we will be able to proceed with the proposal and build a beautiful structure, which will enhance the neighborhood and be cohesive with the neighborhood.

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?

We have researched and reviewed all of the other design measures and they have proved to be in compliance with the neighborhood and district. Without this waiver we will not be able to utilize our property for what we find to be not only a reasonable use of the land, but actually a very good use of the land. Our proposed building will transform a portion of the rear lot into a beautiful rental residence. It will make it whole and useable. The two buildings will be joined by a lush green courtyard space. The renters and the neighbors will be able to enjoy the revitalization of this space.