

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 requested waivers shall not adversely affect adjacent property owners. Sufficient landscaping shall still be provided to screen the proposed development along S Hurstbourne Pkwy. The landscaping along the existing access drive will remain as it currently is today. The existing use of this parcel does not adhere to this piece of code, justifying further that it will not affect adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

The requested waivers shall not violate the Comprehensive Plan. The proposed development adheres to the designated zoning district and form district, maintaining the same type of use as currently on site, and generally conforming to adjacent uses.

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

The waivers requested are the minimum necessary to afford relief. The intent of the sections requested to be waived shall still be met through proposed landscape material and adequate and safe pedestrian access to/from S Hurstbourne Pkwy.

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 such provisions would create unnecessary hardship while attempting to provide adequate and safe circulation for motorists and pedestrians on the proposed site.

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JAN 11 2021

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