

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 BECAUSE ADJACENT LOTS ARE PARK LAND OR UNDEVELOPED LAND. THIS LOT IS WITHIN DEVELOPING SUBDIVISION OF SINGLE FAMILY HOMES.

2. Will the waiver violate the Comprehensive Plan?

NO BECAUSE REQUIREMENTS OF LBA STILL MET WITHIN SUBDIVISION OF SINGLE FAMILY HOMES. ADJACENT USES ARE SINGLE FAMILY & PARK.

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

YES, DECK BUILT WITHOUT REALIZING PORTION WITHIN LBA. DECK BUILT WITH REFERENCE TO 30% REAR YARD SETBACK AREA ALLOWANCE.

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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?

STRICT APPLICATION WOULD CREATE HARDSHIP BECAUSE HOUSE CONSTRUCTION & DECK COMPLETED PRIOR TO REALIZING PORTION OF DECK IN LBA. HOUSE IS SOLD PENDING OCCUPANCY SOON.

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