

**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 property owner because the landscape buffer will still include required landscaping, a retaining wall will simply also be included to help with the grade change between the building and the north property line.

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OCT 23 2017  
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**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the comprehensive plan because landscaping will still be included along the north property line, and will be installed in and around the proposed retaining wall.

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

The extent of the waiver of the regulation is necessary to afford to relieve to the applicant, because the grade is so steep that landscaping would could not be installed within the landscape buffer. Construction of a retaining wall within the landscape buffer will allow for better grade transition, and will allow for landscaping to be installed.

**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 the provisions of the regulation would prevent landscaping from being included along the north property line. By allowing a retaining wall to be installed in the landscape buffer proper plantings can be installed along this north property line.