

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 properties because in this case, allowing the VUA to encroach into the Scenic Corridor buffer is the same as the entrance encroaching into the VUA which is allowed.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan because the plan follows the recommendations of the Streetscape Study founded on the Comprehensive Plan.

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

The requested waiver allows the developemnt to maintain the essential character of the area and in fact follows the recommendations of the Middletown Streetscape Study.

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 encroachment does not affect the required plantings within the Scenic Corridor Buffer.