

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 creates a design which only affects the layout of the subject site; it has no effect whatsoever on the adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

Guideline 2, policy 15 states to encourage the design, quantity, and location of parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The reduction of the VUA LBA to 5' wide along Taylor Boulevard is necessary to provide adequate drive aisle widths for safe on site navigation. The reduction of the screening from 3' to 18" is necessary for safety to provide more visibility on site. Therefore, the waiver is in conformance with the Comprehensive Plan as the design is balancing the safety/traffic with aesthetic considerations.

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

The extent of the waiver is the minimum necessary to afford the applicant relief because convenience stores built in conjunction with gas/convenience facilities require certain drive aisle widths for safe on site navigation by drivers that conflict with the provision of a 10' wide VUA LBA along Taylor Boulevard. However, there is sufficient space on-site to provide a 5' wide VUA LBA along Taylor Boulevard. The reduction of the screening from 3' to 18" is necessary for safety to provide more visibility on site.

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?

If the waiver were not granted, the strict application of the regulation would require a wider VUA LBA along the Taylor Boulevard frontage. This requirement, in turn, would limit the available land for development and prevent the provision of safe and functional drive aisle and parking stall widths, creating an unnecessary hardship and unusable site for this land use. CPTED principals: a criminal is less likely to commit a crime if they feel they may be seen doing so. The waiver for reducing the screen height from 3' to 18" is needed in order to not create an unnecessary hardship.