

**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 adjacent property owners since the proposed site will be a less intense use than the surrounding properties and a 10' LBA will be provided along the north property line and a variable width LBA (3' to 15') will be provided along the south property line, which will allow installation of the required landscaping (2 trees per 100 LF, plus a 3' screen), however, landscaping will not be installed within the detention basin.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comprehensive Plan since the proposal is compatible with the surrounding uses and the proposed use is less intense than the surrounding uses, and landscaping will be provided within the proposed buffer areas. The proposal does not adversely affect the existing area development since the required landscaping will be installed.

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

The waiver is the minimum necessary to afford relief to the applicant, since strict application of the regulations would limit development of the proposal at this site. Without relief, the applicant would be required to substantially reduce the amount of parking and to reduce the size of the building below what is necessary for the proposed use to operate at this location.

**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 applicant is proposing a less intense zoning and use for the site than the surrounding properties. Strict application of the regulations would deprive the applicant of the reasonable use of the land, since a substantial amount of the proposed parking would be eliminated to provide the required buffer areas and the size of the proposed building would need to be reduced below what is necessary for the proposed use to operate at this location.

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**1. Will the waiver adversely affect adjacent property owners?**

The waiver will not adversely affect adjacent property owners since the proposed site will be a less intense use than the surrounding properties and the required landscaping (2 trees per 100 LF, plus a 3' screen) will be installed along the north and south property lines adjacent to the developed area. Landscaping will not be installed within the existing detention basin.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comprehensive Plan since the proposal is compatible with the surrounding uses and landscaping will be provided within the proposed buffer areas adjacent to the developed area. The proposal does not adversely affect the existing area development since the required landscaping will be installed within the buffer areas, with the exception of the buffer located within the existing detention basin.

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

The waiver is the minimum necessary to afford relief to the applicant, since strict application of the regulations would limit development of the proposal at this site. Without relief, the applicant would be required to substantially reduce the amount of parking or to reduce the size of the building below what is necessary for the proposed use to operate at this location.

**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 applicant is proposing a less intense zoning and use for the site than the surrounding properties. Strict application of the regulations would deprive the applicant of the reasonable use of the land, since a substantial amount of the proposed parking would be eliminated to provide the required buffer areas and the size of the proposed building would need to be reduced below what is necessary for the proposed use to operate at this location.

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