

**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 affect the adjacent property owners because the encroachment is minor, has been in place for a long time and the required landscaping will be provided.

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

It will not violate the CP because the encroachment is minor and the required landscaping will be provided. The intent of the regulations is being met.

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

It is the minimum necessary because the majority of the Parkway Buffer Area will be provided free of any encroachments and the required landscaping will be provided.

**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 requirements would require the applicant to remove a portion of needed parking area that was constructed because the Landscape Buffer Area in question was previously thought to be 30 ft. With a 30 ft LBA there was no encroachment.

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