

## **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?**

This waiver would not adversely impact the adjacent neighbor at 3002 River Rd. The project site is currently developed and operating as a hotel. No pedestrian or vehicular access currently exist between the two developments. Any project specific enhancement to either vehicular or pedestrian travel with the adjacent neighbor would create a more hazardous situation without a larger investment in the area, which is beyond the scope of this project.

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

No. Adding this site specific vehicular and pedestrian infrastructure in the larger area context would create a more dangerous situation, which would conflict with the Mobility Goal #2 to plan, build, and maintain a safe transportation system.

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

Yes. Any methods to remedy the safety concerns would have to occur out of the scope of the project 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?**

Strict application of provision A.1.b. would create an unnecessary hardship on the applicant when the larger safety context is considered. The adjacent site conditions are such that vehicles can make fast unpredictable movements in many directions. The shared perimeter between the proposed site and the adjacent site has a 5 feet elevation difference. The visual hazards of entering traffic at a 25% grade, in addition to the existing hazards, would require a much more comprehensive, multisite approach to establish safe traffic patterns for the area for any user.