

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 adjacent property owners because the existing building and sidewalks will remain the same.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan because the existing building and sidewalk locations make it impossible to comply with landscape buffer and street tree requirements except one street tree will be planted along Kentucky.

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

The extent of the waiver, with the one street tree to be planted, is the minimum necessary to afford relief

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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 regulation would create an unnecessary hardship on the applicant.

23-WAIVER-0011