

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?

No, this is an existing condition that has been shown and approved on previous development plans. The adjacent property is owned by the City and is predominantly flood plain area for adjacent creek and a forested aread. This provides a natural buffer to the residential neighborhood on the other side of the flood plain/creek area.

2. Will the waiver violate the Comprehensive Plan?

No, this property is in compliance with the Comprehensive Plan.

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

Yes, this is an existing condition that has been previously approved on prior development plans and granting the waiver will allow the owner to continue to operate the facility as it has for many years.

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 remainder of the property will be in compliance with the landscape ordinances. Strict application of the 50' LBA requirement along the west property line will require the owner to remove a significant area of gravel storage area that has been in place for some time and approved on previous development plans. This area is vital to the operation of the facility.