

**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 adjacent OR-3 zoned property will be buffered with extensive landscape plantings within a 55' to 75' wide area that extends about 200 feet along the property line where the residential use exists. The waiver request is located 150' to 250' away from the residence and will not adversely impact the adjacent property. Existing evergreen trees in the area will be preserved and augmented by additional evergreen trees and shrubs to meet the intent of the land development code's landscape and form district chapters. The proposed use is office/warehouse, while considered a light industrial use, will be designed to orient the semi-trailer truck loading dock 200'+ away from the residence.

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

The waiver will not violate the Comprehensive Plan for the above stated reasons and the applicant's commitment to extensively landscape the buffer area along the common boundary. The proposed site plan is designed to keep any light industrial use to the north and east of the adjacent property and orient the office and customer parking towards Blankenbaker Parkway and Blankenbaker Road. No traffic will directly access Grafs Court or Blankenbaker Parkway.

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

The extent of the waiver is the minimum necessary to afford relief to the applicant. The vehicle maneuvering area that encroaches into the 50' buffer area is required to accommodate turning movements around the storage area. The area of encroachment is 150' to 250' away from the adjacent residence and the applicant proposes to meet or exceed the landscape planting requirements set forth in the regulations.

**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 proposes to provide an additional 20' to 15' of landscaped area near the adjacent house and garage, exceeding the 50' landscape buffer area required along the common boundary line. The area of encroachment is 150' to 250' northeast of those structures and allows the applicant to orient the truck loading dock to be on the opposite side of the proposed building. The strict application of the 50' buffer would deprive the applicant of having access to the perimeter of his building, which would be a severe hardship for its intended use (office/warehouse).

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