

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, the subject property will remain unchanged, to date, the lack of the required buffers has had no apparent impact on the surrounding industrial uses.

2. Will the waiver violate the Comprehensive Plan?

No, the buffer areas are already occupied by required public utilities and parking.

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

Yes, there is no feasible method of providing the Landscape Buffer Areas in the required locations.

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?

If the regulations were strictly enforced, in order to protect the existinmg utilities the buffers would require the demolition of so many parking spaces that the project would be short of parking to such an extent that it commercial viability would be negatively impacted.

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