

### **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.**

Waiver of Section 10.2.4.A to allow encroachments into the required 35-foot landscape buffer along the East Side Rear Yard and South Side Rear Yard.

Partial Waiver of Section 10.2.4.B.1 to allow less than the full required plantings along the western and southern property lines

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners. The building and concrete pad are currently existing. The metal pole barn was built and previously approved by planning and design. The type of building and location of the building is not out of character for the neighborhood. In addition, many of the adjacent property owners do not object to the encroachments.

2. The waiver will not violate the Comprehensive Plan because this development is compatible with the surrounding area. The development has an attractive design and will provide all plantings that are allowed except for the limitations from the existing improvements.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will allow applicant to continue the operation of the existing business to the benefit of the neighborhood. Without such relief the applicant would be forced to move existing improvements at enormous cost.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant. Without such relief the applicant would be forced to move an already approved existing improvement on the property.

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