

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. Adjoining property owners will not be affected because the property owners to the west consist of an existing drainage ditch and open space that acts as a buffer to the existing parking lot. To the south, the building is being expanded inside the existing access drive and the existing landscape buffer with existing trees will remain undisturbed and in place.

2. Will the waiver violate the Comprehensive Plan?

No. THIS will not violate the Comprehensive Plan because existing buffering is in place that was sufficient at the time this building was originally constructed.

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

Yes. The waiver is the minimum necessary to afford relief because providing 50' landscape buffers would impact existing parking and existing access drive around the building.

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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?

(b) Strict application of the Land Development Code would impact parking and existing access drive around the building and would prevent traffic flow from access around the back of the building. Enforcement of this regulation would create an unnecessary hardship on the applicant and deprive him access and use of the property.

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District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

Yes. The existing trees and ditch will not be impacted by the expansion of the building.

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes. Current vehicular and pedestrian use patterns will remain in place.

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Yes. The current perimeter buffering will remain on the site.

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4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Yes. The site currently drains to a ditch along the rear property line.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

Yes. This is a minor expansion to an industrial building that is located in the Gilmore Industrial Park and is consistent with the surrounding uses.

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Yes. The expansion of the site is in conformance with the Comprehensive Plan and the Land Development Code.

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