

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 waiver will not affect the adjacent property because the conditions currently exist for the existing building and the new building is abutting a retaining wall preventing views from the public right of way.

2. Will the waiver violate the Comprehensive Plan?

The waiver is in compliance with the Comprehensive Plan because of site condition limitations.

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

The waiver is necessary to provide compliance with a number of other code requirements and is necessary to afford relief to the applicant.

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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?

The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land due to design constraints.

16 DEVPLAN 1184