

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?

None of the adjacent property owners have building entrances facing the frontage streets. This area of town is subject to dumping, homeless people squatting, and minor theft (homeless people), therefore a perimeter fence is preferred by most property owners.

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2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan. The interstate is directly across the street (Adam St.) and providing an entrance off of this street or on the corner would be inappropriate. Also the elevation change is very severe (10+ feet) and would require an extensive amount of hardscape and loss of established trees. Reducing the amount of sidewalk & hardscape (not building the pedestrian access) is more in keeping with the Comprehensive Plan's focus on natural areas and environment.

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

The site topography is challenging, and since it is in a flood zone, MSD is requiring to build at the higher elevation, not the elevation of the road and sidewalks. The building elevation is approx. 12 feet above the road and sidewalk, therefore a few waivers are being requested. A pedestrian access would require a ramp length of 1,728 ft or 21 steps up to a building entrance on the frontage street. The cost for this feature is grossly out of budget and is not a design component desired by the property Owner (since there is no on-street parking, the interstate is directly across the street, and common theft problems in this area of town).

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?

A building entrance on the corner or on frontage streets would require a pedestrian access that will create unnecessary hardship on the client & deny reasonable use of the land. The severity of the topography from road/sidewalk elevation up to site elevation makes the construction of a pedestrian access extremely difficult and expensive. The overall design plan will incorporate an extensive planting / landscape scheme to improve the green space along frontage streets.