

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 a pedestrian access from Adam St. nor Cabel St. up to parking areas and most properties in this area are fenced in. This area of town is subject to dumping, homeless people squatting, and minor theft (homeless people), therefore a perimeter fence and no pedestrian access from street 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. Reducing the amount of sidewalk/hardscape and preserving existing trees (not building the pedestrian access) is more in keeping with the Comprehensive Plan's focus on natural areas and environment by reducing site water runoff & reducing heat island effect .

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 a higher elevation, not the elevation of the road and sidewalks. The pedestrian access would require a ramp length of 1,728 ft or 21 steps. 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 and common theft problems in this area of town). The extensive cost of this component, as well as a sidewalk on Cabel Street, would likely cause the Owner to cancel the project in totality.

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 pedestrian access will create unnecessary hardship on the client & deny reasonable use of the land. The severity of the elevation change from sidewalk elevation up to site elevation makes the construction of a pedestrian access extremely difficult and expensive. It will also cause many of the large established trees to be removed. The overall design plan will incorporate an extensive planting / landscape scheme to improve the green space in this area.