

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?

While the width of the LBA will be reduced from 15' to 6', the (9) Type A tree plantings and 8' screen will provide sufficient landscape buffering between the R5 properties and the parking of this project. No, the adjacent property to the dumpster is zoned C1 (fire station) and the proper dumpster screening will prevent any adverse affects. Additionally, there is a buffer of landscape off of the property that can further buffer the screening.

2. Will the waiver violate the Comprehensive Plan?

No, the waiver will still allow for an adequate landscape buffer between this commercial use and a residential use. No, the site consists of a large amount of green space and landscape, and removing one interior landscape area in the parking does not significantly reduce is made up by the overall benefit of the landscaping in the project. Additionally, the dumpster location impedes the 10' Landscape Buffer Area, but it will be screened.

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

Yes, the reduction will allow for the parking lot to be large enough to meet the needs of the project.
Yes, the reduction will allow for the dumpster to be in a safe, convenient location.

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?

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