

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 adversely affect adjacent property owners since this request only affects the site to the east that is being subdivided to create this lots. The site was originally approved as a single larger lot and this request is to preserve the existing entrance that will be shared between the 2 proposed lots and allow for circulation between the 2 buildings.

2. Will the waiver violate the Comprehensive Plan?

This request will not violate the Comprehensive plan as the proposed layout complies with Guideline 3 Policy 4, 22 and 24 as the request does not impact residential use, the affected adjacent use is for a similar/compatible use that will not be negatively impacted with the omission of the buffer, since the parking is convenient and adequate for the use and the appropriate buffers will be provided to screen the parking from the street.

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

The request is the minimum necessary to allow the existing pavement/entrance to remain as a shared access drive and serve the 2 resulting lots. It will provide adequate circulation between the 2 lots and for the overall site.

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 providing the 15' buffer between the 2 proposed lots would deprive the applicant of the reasonable use of the existing driveway as shared access and create an unnecessary hardship in its removal and the requirement then to construct new and separate access to serve these lots.

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