

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 request will not adversely impact the adjacent residence first because there is an existing solid wood privacy fence that screens the lot from this site, because the existing trees along the shared property line will be preserved and because the existing building as visible over the fence looks like a residential home rather than a commercial business.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan since a buffer will be provided between the two uses with the required screening and tree canopy.

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

The waiver is the minimum necessary to afford relief to the applicant to provide the parking needed to serve the use given the existing conditions while maintaining an adequate buffer for the adjacent residence.

RECEIVED

JAN 14 2019

PLANNING & DESIGN SERVICES

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 existing trees along the property line shared with the R4 zone already exceed the required number of tree plantings as the distance is less than 100' (73'+/-) where 3 large/medium trees are required and there are 4 type A trees along with the existing screen fence. The strict application of the regulation would deprive the applicant of the reasonable use of the land since the screening/ buffer shall be provided and the parking that would be lost to provide the full setback would create an unnecessary hardship on the applicant.