

## **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?**

This waiver will not affect adjacent property owners because it matches an existing condition that is present on the subject site, as well as the adjacent properties.

### **2. Will the waiver violate the Comprehensive Plan?**

No. This waiver will not violate the comprehensive plan because it will help to promote redevelopment of an under utilized parking area which will help to revitalize this existing shopping center.

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

Yes. The waiver is limited to the extent of existing conditions. Plants will still be provided as required, but overhead power lines will dictate the use of type C trees. We will determine during the construction process if existing trees and shrubs can be preserved or if new plants will be required.

### **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 depth of this lot is already tight. Compliance with the regulation would decrease the useable depth of the lot from 140'+/- to approximately 130' which would inhibit vehicle circulation. It would also require the loss of approximately 33 parking spaces in order to maintain a drive aisle that matches the adjacent property, greatly decreasing the amount of leasable area.