

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?

No. The adjacent property is zoned residential but it is used as a Metro Parks maintenance facility and soccer field. The current industrial use provides no buffer and the proposal includes a solid wall around the exterior of the property that will screen the subject site from view of the parks property. Therefore this waiver will not have an adverse impact on the adjacent property.

2. Will the waiver violate the Comprehensive Plan?

No. The waiver will not violate the comprehensive plan because the proposed use is not incompatible with the adjacent maintenance facility. In addition, screening will be provided in the form of a solid wall.

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

Yes. The existing property is 95% impervious and there is currently only a chain link fence between the subject property and the adjacent residentially zoned property. The waiver will allow the property to utilize the full paved area of the existing site while still providing a screen more adequate than what exists today.

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 proposed concrete wall exceeds the screening requirements in the Land Development Code. In addition, the strict application of the regulation would significantly reduce the width of the property and the current useable area and would create an unnecessary hardship on the applicant.