

## **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 because the encroachment along the adjacent Pinehurst Properties LLP property will be mitigated by providing the required planting and visual screen on the adjacent property. The Developer owns this neighboring parcel. The encroachment adjacent to Phillip Brown property will be mitigated by providing the plantings and visual screen on the subject property. The existing development currently encroaches into the required landscape buffer areas.

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

The waiver will not violate the Comprehensive Plan because the screening and required plantings will be provided either on the subject property or on the adjacent property with written permission from the property owner. The existing development currently encroaches into the landscape buffer areas.

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

The extent of the waiver is the minimum necessary to afford relief to the applicant as the required planting and screening will still be provided.

### **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 the provisions would deprive the applicant of reasonable use of the land as the current development encroaches into these landscape buffer areas and the proposed development is simply requesting formal approval to encroach into these L.B.A.s.

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