

## **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 proposed waivers will not adversely affect adjacent property owners. They will allow the proposed development to maintain the existing buffers and vehicular use area on the property to meet the needs of the medical office building.

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

The proposed waivers will not violate the Comprehensive Plan. The properties are within the Neighborhood Form District at the edge of Regional Centers to the north and south which the Comprehensive Plan states may include neighborhood centers which include a mixture of uses such as offices, retail, restaurants and services. The waivers will allow the construction of a medical office building that will serve the interstate and major arterial corridors and be consistent with the goals and objectives of Plan 2040.

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

The extent of the waivers of the regulation are the minimum necessary to afford relief to the applicant. The waivers will allow the development to utilize the existing vehicular use area and circulation pattern in relationship to Deebet Drive and I-264 while maintaining the existing areas of buffering along the perimeter.

### **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 of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as it would severely reduce the portions of the properties that could be utilized for any future development. It would prohibit the use of a large percentage of the existing vehicular use area for parking, maneuvering and connectivity while also affecting the existing access drive and parking for multi-family residential property.