

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

Granting this waiver will not adversely affect adjacent property owners as there are no nearby residential property owners that would be impacted by this request.

2. Will the waiver violate the Comprehensive Plan?

Granting the waiver will not violate the Comprehensive Plan as the existing mature vegetation around the site's perimeter will remain. The parking lot will not be visible to adjacent properties.

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

The waiver requested is the minimum necessary that will allow development to occur on the site in a similar manner as the previous development on this site, which was a Metro owned animal services facility.

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 unique shape of this small parcel as well as its location which is bounded by an interstate, an arterial roadway, a cemetery and a public park, make the strict application of the regulation overly restrictive on the design options and development potential of the parcel. Additionally, there is no established traditional development pattern established in the vicinity of this parcel.