

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?

The waiver will not adversely affect adjacent property owners, as the property to the west is under the same ownership and has already been developed by the current owner. In addition, views from existing neighboring structures will not be obstructed.

2. Will the waiver violate the Comprehensive Plan?

The requested waiver will encroach into the required setback established by the Comprehensive Plan, but only to the extent necessary to allow the property to be used in a practical and functional manner rather than leaving the site unusable.

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

The property is narrow and constrained by the Ohio River conveyance zone and stream buffer setbacks to the north, as well as the Parkway Drive setback from the south frontage. This waiver will allow reasonable development of the owner's property.

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 this regulation as well as that of MSD's will deprive the user of reasonable use of the land and create unnecessary hardship on the applicant. The applicant will provide additional planting and screening devices such that it makes its appearance on River Road a pleasant addition to the Parkway Corridor.