

**WAIVER JUSTIFICATION
22-ZONE-0077**

This is a request for a waiver from Land Development Code (“LDC”) Section 4.12.C.8.b.1 to allow the minimum distance between buildings to be less than twenty-five feet.

1. The waiver will not adversely affect adjacent property owners.

The waiver will not affect adjacent property owners because the building separation will be substantially similar to existing conditions in the area and would match the conditions were the lots to not be combined. This is an internal condition not related to distance from neighbors.

2. Will the waiver violate the Comprehensive Plan?

No. No provision of Plan 2040 that would be violated by the grant of the waiver allowing encroachments into the separation. The intent of the Plan is to encourage a variety of housing options. Goal #2 encourages density around mixed-use centers and corridors. Chenoweth Lane has a variety of uses and is a minor arterial.

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

Yes, due to the site constraints, the waiver request is the minimum necessary to allow for the successful development.

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 regulation would both deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.