

**WAIVER JUSTIFICATION
22-MCUP-0006**

This is a request for a waiver from Land Development Code (“LDC”) Section 5.6.1.B.1 to allow blank walls to face the public street.

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

The waiver will not affect adjacent property owners because there will be sufficient landscaping to so as to allow the necessary visual screen and not impact any adjacent property owner. The development is also over 125’ from public ROW. The new boiler is, itself, a positive improvement over the existing boiler building and system.

2. Will the waiver violate the Comprehensive Plan?

No. No provision of Cornerstone 2040 would be violated by the grant of the waiver allowing blank walls in this location. The upgrade of the boiler system away from coal will meet many of the mitigation components of the Comprehensive Plan.

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

Yes, due to structural and safety needs, the waiver request is the minimum necessary to allow for the successful development of the new boiler.

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.