

**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.

**Waiver of LDC Section 5.1.2.A.1.b.II to not provide a vehicular connection to the property to the south.**

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the subject property is zoned R-R residential and the property to the south is zoned pre-plan certain M-2 industrial. Further, the approved CUP plan for the athletic facility for the property to the south in Docket # 22-CUP-0365 does not include a vehicular connection to the subject property and no waiver was required. Because the property to the south is being developed without a corresponding connection to the property line, the adjacent property owner will not be adversely affected by the applicant also not providing the vehicular connection.

2. The waiver will not violate the Comprehensive Plan because the subject property is zoned R-R residential and the property to the south is zoned pre-plan certain M-2 industrial. Historically, we have never required vehicular connections between heavy commercial or industrial property and single family residential, much less pre-plan certain industrial and the lowest density residential in R-R. Further, the subject application is not a rezoning, but a conditional use permit. In the event the applicant ceases to operate the event venue and the CUP is terminated, the property will still be zoned R-R such that a connection to an M-2 industrial property would not comply with our Comprehensive Plan impact mitigation.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is either required to provide the connection or not. Further, the subject property is in the Floyds Fork Development Review Overlay wherein we try to limit impervious surface as much as possible. To provide a vehicular connection will require a significant amount of impervious roadway surface to connect to a property that is not correspondingly providing a connection to the subject property.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because of the cost of grading and constructing a vehicular connection from the existing drive aisle to the property line at a significant monetary cost as well as a significant environmental cost.

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