

### **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 Chapter 10.2.4 to omit the required property perimeter landscape buffer and required plantings.

1. The waiver will not adversely affect adjacent property owners because there will be no change to longstanding existing site conditions with no new structures proposed. As a result, it is only a change in approved use of the property that is being requested in the rezoning to ensure the use on this site, a three-plex, is in compliance with the Land Development Code. The rezoning will not adversely affect the adjacent property owners.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Comp Plan 2040 filed with the rezoning application.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the home was built in the 1900s to the lot lines thereby not providing the room to provide the proper LBA. No exterior changes to the building or lot are proposed.

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 the building is existing with no ability to provide the required landscape buffer or plantings.