

### **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 5.6.1.c to allow the rear and side façade of the existing building to have the same level of detail as the facades facing Preston Highway and Linwood Avenue.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is an adaptive re-use of the existing building where the existing building exterior and the additions to the building are being revised and/or enhanced to provide significantly greater animating features and better look at feel than at present. With this additional expense and work, the exteriors of the buildings will be improved from the current condition.

2. The waiver will further the goals of the Comprehensive Plan. Under Community Form, Goal 1, 3.1.7, this proposed adaptive reuse, which adds second-floor residential units on top of first-floor retail uses, aligns with the stated goal for a structure in the Traditional Marketplace Corridor, which is a “low-to-medium-intensity use[] such as . . . small specialty shops . . . . These uses frequently have apartments or offices on the second stories. Buildings generally have little or no setback . . . .” It further aligns with Community Form, Goal 2, Policy 8, by encouraging residential and office uses above retail and other mixed-use, multi-story retail buildings. It also aligns with Community Form, Goal 2, Policy 9, by encouraging the rehabilitation of buildings that provide commercial, office, and/or residential uses. With the other requested variances and waivers, this proposed structure serves as an infill and promotes Mobility Goal 1, Policy 1.7 by locating the retail use close to the roadway to minimize the distance that pedestrians and transit users have to travel. This development also complies with Mobility Goal 3, Policy 3, as it is located along a TARC route and approximately 0.1 miles from a TARC stop, it has sidewalks that permit pedestrian access, and it houses two retail uses (a liquor store and a laundromat), which permits one automobile trip for patrons who visit both retail uses. Finally, this development complies with Housing Goal 1, Policies 1 and 3, by providing missing middle housing units that comply with the Traditional Marketplace Corridor Form District’s design ideals.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is adaptively re-using the existing one-story structure and will largely maintain the existing animating features on that structure. Additionally, as the rendering

show, the second story add-on will have its own animating features, thus making for an interesting and updated building façade along the Preston Highway corridor.

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 adding additional glass windows to the existing structure, in addition to all of the other upgrades being proposed for the facility, will unduly burden applicant's attempts to adaptively reuse the existing structure. As the renderings show, the addition of middle housing to the proposed second floor will have numerous animating features and bring this entire structure into conformity with the intent and purpose of LDC 5.6.1.c.