

**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.

**1. Will the waiver adversely affect adjacent property owners?**

The proposed building expansion should not adversely affect the property owner to the west. The adjacent property owner's property is zoned O-R and contains a multi unit apartment building. The apartment building is positioned forward on the property aligned with Paramount Drive with a parking lot at the rear. The parking lot and the proposed building expansion would face each other and would not impact the tenants views. The existing dumpster is located adjacent to the apartment building and would be screened. The proposed addition would have an added benefit to the adjacent property by providing visual and acoustic screening of Dixie Highway and applicants parking lot.

**2. Will the waiver violate the Comprehensive Plan?**

This addition aligns itself with the comprehensive plan and the SMC Form District by infilling the new mercantile addition forming a compact building group that respects the existing design and scale of adjacent structures. The present beer cooler will be removed and will be internally located within the structure. Connectivity to neareby uses is maintained and this project does not reduce or expand traffic impact, utilizes existing curb cuts and does not add on site parking. As a practical matter the existing site has a 5'LBA between the existing building and the apartment and is well landscaped.

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

Granting the LBA waiver for the length of the new addition would maximize the property for the intended zoned use of the applicant and the existing landscaping between the apartment building and the existing building would meet the intent of the Land Development Code for landscape buffering.

**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 provisions of the regulation will deprive the applicant of a reasonable use of the land for the intended use.

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AUG 23 2021

PLANNING & DESIGN SERVICES

21-WAIVER-D1B

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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.**

**1. Will the waiver adversely affect adjacent property owners?**

The north and east LBA's for parking lots front on Paramount and Dixie highway respectively and will not affect C-1 properties on the opposite sides of those streets. Cox's has been at this location for 15 plus years on a land lease from the current owner Michael Ehler. This building was originally a Ehlers Dairy store. There is evidence of LBA plantings along the Dixie highway frontage.

**2. Will the waiver violate the Comprehensive Plan?**

This addition aligns itself with the comprehensive plan and the SMC Form District by infilling the new mercantile addition forming a compact building group that respects the existing design and scale of adjacent structures. The present beer cooler will be removed and will be internally located within the structure. Connectivity to nearby uses is maintained and this project does not reduce or expand traffic impact, utilizes existing curb cuts and does not add on site parking. As a practical matter the existing site has a 5'LBA between the existing building and the apartment and is well landscaped. Previous remodeling required plantings along the Dixie Highway LBA.

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

Granting the LBA waiver for the two fronting streets would maximize the property for the intended zoned use of the applicant and the existing building would meet the intent of the Land Development Code for landscape buffering.

**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 provisions of the regulation will deprive the applicant of a reasonable use of the land for the intended use.

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21-WAIVER-01B