

General Waiver Justification

Waiver of Section 5.5.1.A.3.a to allow parking to be located in the front yard

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the proposed design effectively operates to block the view of the parking lot from the adjacent residential buildings. Requiring parking in the rear of the property would serve to place more traffic against residential structures. Parking in the front also benefits adjacent property owners because it permits the installation of features to beautify the Preston Highway corridor, including an ILA, street trees, and a masonry wall. Furthermore, the site will have a 6-foot tall wood fence constructed along the property lines adjoining the neighboring residential structures, thus mitigating the potential adverse consequences of parking located in the front of the building.
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. Applicant would have to demolish and move the existing structure to accommodate parking in any other location. Applicant seeks to adaptively reuse the existing structure. Additionally, the adjacent funeral home to the southeast has a large parking lot facing Preston Highway, thus granting this proposed waiver aligns this parking lot with the adjacent parking lot, making parking in the front yard not out of character for the area. . The adjacent funeral home has parking and a vehicle use area in front of its building so as proposed this parking is not out of character for the area.
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 it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts and due to the configuration of the lot would make the proposed building commercially unviable.