

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?

No. The L.B.A. is adjacent to a former school with a 94' front yard adjacent to required L.B.A. There will still be a fence and trees to separate the two properties.

2. Will the waiver violate the Comprehensive Plan?

No. The L.B.A. is not buffering a separate use. It will be buffering a 94' front yard with no building or current use.

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

Yes. A 10' L.B.A. instead of a 15' L.B.A. is needed to fit the elements into the property. This development is in the core business district of Portland, so taking advantage of storefront space is more important than having additional landscape space.

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 proposed 10' L.B.A. is in order to provide larger storefronts. It will only help the economics of the neighborhood. There is no school or church adjacent to the required L.B.A. that needs to be screened, so the proposed change will not be circumventing the intent of the code.

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