

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. No changes to the existing building are proposed. The existing building has been occupied by a barber shop and residence for several years and until recently, believed they were operating with a Non Conforming Rights approval.

2. Will the waiver violate the Comprehensive Plan?

No. The area of Schnitzelburg/Germantown has been going thru a change to mixed use buildings at the intersection corners. The existing building has been occupied by a barber shop and residence for several years and until recently, believed they were operating with a Non Conforming Rights approval.

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

Yes. The request is the minimum zone that allows a barber shop and residence. Otherwise, no changes to the existing building are proposed.

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 Code would require the existing barber shop to vacate the property and go out of business at this location. They have been operating at this location for several years with the understanding, until recently, that they were operating with a Non Conforming Rights approval.

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