

**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 Section 5.5.1.A.3.a to allow a portion of the accessible parking to be located in front of the building.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the only parking space that requires a waiver is a handicapped one which is needed so as not to require the removal of a handicap ramp.
2. The waiver will not violate the Comprehensive Plan because the only Guidelines that are really affected by this application are the Center Guideline (Guideline 2) and Landscape Guideline (Guideline 13). As respects to those Guidelines, the Chipotle store is appropriately located to the area and to the site given the long standing location of another casual restaurant here. And there will be abundant landscaping elsewhere on the site.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because only one parking space requires the waiver because it is a handicapped one.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because a lot of other parking forward of the front façade of the building is being removed expect for this one.

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**General Waiver Justification:**

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Waiver of Section 10.2.10 to allow the existing parking lot to encroach 100% into a VUA LBA adjacent to the alley.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is a built condition dating back to the time of the Arby's store that was located here, and furthermore the waiver only impact the alley.
2. The waiver will not violate the Comprehensive Plan because the only Guidelines that are really affected by this application are the Center Guideline (Guideline 2) and Landscape Guideline (Guideline 13). As respects to those Guidelines, the Chipotle store is appropriately located to the area and to the site given the long standing location of another casual restaurant here. And there will be abundant landscaping elsewhere on the site.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is made efforts to assure compliance with all other site requirements of the Land Development Code and is only requesting two waivers with minimal impact, this being one and minor as described above.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because existing parking would have to be removed in this area which is a place where parking is needed because so much is already being eliminated at the front (Bardstown Road side) of the site.

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