

### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission 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 5.2.1.C.2 to allow the added required street wall to be one-story rather than three-stories in height.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the existing street wall is non-compliant for the full length of the frontage along Market Street and Fourth Street and the proposal is to bring the existing building further into compliance. While the new proposed street wall doesn't run the full length of either frontage, the new street wall along both frontages will address the purpose behind the requirement, i.e., bringing the building closer to the property frontage. As a result, the proposed changes will not adversely affect adjacent property owners.
2. The waiver will not violate the Comprehensive Plan because this is a renovation of an existing bank office building bringing same further into compliance. The only new 2040 Plan Guidelines and Policies of consequence are those pertaining to building design, landscaping and screening, all of which are being greatly improved as shown on the development plan, which were approved by the Downtown Development Review Overlay.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an as-built condition with the existing building being set back with an exposed lower level with bridges across the exposed lower subsurface level. As part of the redevelopment of the site, the applicant is attempting to bring the site further into compliance while keeping the renovations of the existing building economically feasible. Therefore, retaining the rest of the site in its mostly current condition is not adding to non-compliance with the Land Development Code, but rather, if anything, the partial re-build and site improvements bring the plan into better compliance with the Land Development Code and Comprehensive Plan.
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

applicant would be required to provide a three-story street wall over an existing exposed lower level and be unpractical. The significant improvements proposed to the building will further enhance the streetscape and sense of place along the frontages. The cost and expense of making the street wall three-stories tall would be cost prohibitive.