

## **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 waiver will not adversely affect the adjacent property as it will be buffered by a fence in all areas where the 15' required dimension is reduced.

### **2. Will the waiver violate the Comprehensive Plan?**

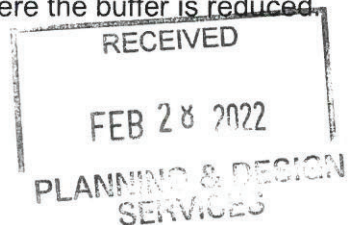
No the buffer will be retained in part and a solid vinyl fence will be erected to ameliorate the impact if the reduced buffer.

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

Yes, the reduction in the buffer is the minimum necessary to make a functional drive-thru and provide a future connection to the adjacent commercial property.

### **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?**

Yes the applicant is proposing a solid vinyl fence in the areas where the buffer is reduced.



22-WANER-0028

### **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 waiver will not adversely affect the adjacent property as it will be buffered by a fence in all areas where the 15' required dimension is reduced.

**2. Will the waiver violate the Comprehensive Plan?**

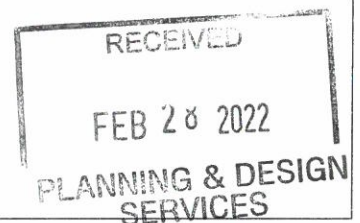
No the buffer will be retained in part and a solid vinyl fence will be erected to ameliorate the impact if the reduced buffer.

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

Yes, the reduction in the buffer is the minimum necessary to make a functional drive-thru and provide a future connection to the adjacent commercial property.

**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?**

Yes the applicant is proposing a solid vinyl fence in the areas where the buffer is reduced.



### **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 there has never been any cross-connections between commercial uses at this location.

**2. Will the waiver violate the Comprehensive Plan?**

No, both lots that would be connected by this waiver are corner lots on public streets and are well served for access. In fact it is difficult to see how providing cross connection between these two small corner lots would not develop into an cut- thru for street traffic.

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

Yes it is not possible to provide subject cross-access easement incrementally.

**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 applicant made an effort to provide an 18' easement through their property but it was rejected as non-functional by planning staff, although that was not defined.

**RECEIVED**

**MAR 28 2022**

**PLANNING & DESIGN  
SERVICES**



### **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, adjacent property owners will not be adversely affected as the parking will be screened by the proposed 4' masonry wall.

**2. Will the waiver violate the Comprehensive Plan?**

No, the comprehensive plan envisions development that lends to the general welfare of the community, periodic redevelopment of existing commercial properties falls is necessary in that context.

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

Yes, the waiver can not be incrementally reduced in this case.

**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?**

Strict application of the regulations would obviate the possibility of a drive-thru, which since the pandemic is absolutely essential to this and many commercial business models.

**RECEIVED**

**APR 01 2022**

**PLANNING & DESIGN  
SERVICES**