

### **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 10.2.10 to require 5ft buffer along residential homes adjacent to the development

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the applicant will be providing a buffer in the form of a 6-foot high wood privacy fence. Additionally, the applicant proposes to adaptively reuse the existing structure, which already encroaches on the five-foot buffer, and will be bringing it up to modern codes to provide an additional measure of safety to the adjacent property owners. Likewise, with the addition of the second-floor housing units, the renderings show that the property will have multiple visual animating features, making the structure visually appealing and adding a richness and color to this area of Preston Highway.

2. The waiver will further the goals of the Comprehensive Plan. Under Community Form, Goal 1, 3.1.7, this proposed adaptive reuse, which adds second-floor residential units on top of first-floor retail uses, aligns with the stated goal for a structure in the Traditional Marketplace Corridor, which is a “low-to-medium-intensity use[] such as . . . small specialty shops . . . . These uses frequently have apartments or offices on the second stories. Buildings generally have little or no setback . . . .” It further aligns with Community Form, Goal 2, Policy 8, by encouraging residential and office uses above retail and other mixed-use, multi-story retail buildings. It also aligns with Community Form, Goal 2, Policy 9, by encouraging the rehabilitation of buildings that provide commercial, office, and/or residential uses. With the other requested variances and waivers, this proposed structure serves as an infill and promotes Mobility Goal 1, Policy 1.7 by locating the retail use close to the roadway to minimize the distance that pedestrians and transit users have to travel. This development also complies with Mobility Goal 3, Policy 3, as it is located along a TARC route and approximately 0.1 miles from a TARC stop, it has sidewalks that permit pedestrian access, and it houses two retail uses (a liquor store and a laundromat), which permits one automobile trip for patrons who visit both retail uses. Finally, this development complies with Housing Goal 1, Policies 1 and 3, by providing missing middle housing units that comply with the Traditional Marketplace Corridor Form District’s design ideals.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant proposes to adaptively reuse the existing structure, which is built to the property line, and provide screening and buffering in the form of a 6-foot high wood privacy fence. To further beautify the property, the applicant proposes to also add trees along the frontage of the property. Additionally, the second-floor add on, per the renderings, will have multiple animating features, making this updated structure visually interesting to the surrounding residents.

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 this site is an adaptive reuse of a structure that already does not permit applicant to have a 5-foot buffer along the residential homes adjacent to the development. It would be an unnecessary hardship to demolish the structure simply to move it five feet. Furthermore, applicant would be further disadvantaged by not being able to reuse the structure, as it is the adaptive reuse that is permitting this project to be economically feasible to bring this structure up to code, revitalize this property, and provide missing middle housing to this area.