

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 10.2.11 to allow a pavement to encroach into the 10 ft VUA LBA along the western property line.

1. The waiver will not adversely affect the adjacent property owner because the area adjacent to this waiver is right-of-way for Preston Highway.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this small-lot, 477-square foot structure coffee shop requires the use of an innovative double-drive through lane in order to operate effectively and efficiently and provide needed services to the area, and only a small portion of the drive lane – the minimum necessary to fit this proposed coffee shop on this lot – encroaches into the VUA LBA.
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 without this VUA LBA waiver both drive-through lanes could not be located on this small lot, thus reducing the efficiency of this proposed use and reducing or eliminating employment opportunities due to the decreased customer load.