

### **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 LDC Table 9.1.16 to permit greater than the maximum required parking.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners. The waiver results from the recent changes to the Land Development Code (LDC) to reduce the parking requirements for restaurants. The maximum parking required by the LDC for this proposed structure and use (being a maximum of 1 space per 100 square feet) does not comport with the needs of this Chik Fil A fast casual restaurant. The additional parking is needed not only for customer parking but to provide sufficient employee parking as well.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application. Additionally, exceeding the maximum parking permits this business to operate with a sufficient number of employees to service customers in a highly-efficient, environmentally-conscious manner.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the maximum parking requirements as calculated by the applicant are based on its needs for employees to operate efficiently and to service customers during peak times. The LDC calculates the needs of the business solely based on the size of its structure, providing an insufficient amount of parking to meet the needs of businesses that cater to large volumes of automobile traffic.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant because the need for the waiver is based upon the tenants demonstrated parking demands for the business. Strictly applying a calculation based solely on square footage of the proposed structure is arbitrary and does not account for individual business needs.