

## JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners. The proposed reconstruction is for an existing McDonald's Restaurant that will be replaced because of a fire. The new construction will closely match the prior development in scale and use.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan. Along Belmont Road, the parking is separated from the road by about 40' of lawn, buffering the parking from the road. Along Bardstown Road, the buffer to the proposed parking is typical of the area. Dedication of right-of-way has set the property line further from the road and reduced the buffer. There will be a minimum of 4.9' from the property line and 10' to the adjacent sidewalk.

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The layout of parking, drive aisles, sidewalks and drive-thru lanes is designed at the minimum dimensions for vehicles and pedestrians to safely move through the site without risk.

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 strict application of the provisions of the regulation would deprive the applicant the reasonable use of the land on the applicant. The owner and use of the property had been in place prior to the adoption of the Land Development Code. Strict application would prohibit the owner from reconstructing the long-standing business on the property. The updated layout has been designed using the safest minimum dimensions for traffic and pedestrians, thereby ensuring that the property can continue to be used in a safe and functional manner.