

## Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer **all** 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?

No. The proposed changes to the lot include noise and visibility barriers and low-density outdoor dining with thoughtful landscaping design to support both of the aforementioned disturbance mitigations.

2. Will the waiver violate the Comprehensive Plan?

No. The area of Schnitzelburg/Germantown has been going through a change to mixed use buildings at the corner of intersections. The existing building has been occupied by a barber shop and residence for several years and, until recently, believed they were operating with Non-Conforming Rights approval. The barber shop is no longer an occupant.

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

Yes. The request is the minimum zone that allows restaurant dining area and residence.

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 Code would require the restaurant to fail to realize an ability to financially succeed at the level represented by access to the presently vacant, unused lot.