

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 5.5.1.A.1.b to waive the design standard to not have a secondary customer entrance facing the secondary street on Flowervale Road.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the frontage of the McDonalds building facing Dixie Highway and the internal south façade have traditional customer entrances. It is only the north side of the proposed building where the drive through will be located that does not have a customer entrance and will therefore not be Land Development Code compliant. A customer entrance on this north façade would be a safety hazard as it would result in a pedestrian and vehicular conflict with pedestrians entering and exiting the building in the area of the drive through.
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 comprehensive plan 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, as said, this is a safety issue for pedestrian traffic in the area of a drive through. Due to the required vehicular stacking and other LDC requirements, the drive through area cannot be relocated, such that the requested relief is the minimum necessary.
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 a restaurant with a drive through could not be located on this site, with roadway frontage on three sides, without the requested waiver. Customer entrances are being provided on the primary Dixie Highway façade and the south facade.