

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 waivers amount to a request to maintain the exterior of the site in its current condition without the addition of landscaping. The building in which the proposed restaurant will be located is used as a venue space that hosts "fish fry" type events already. Additionally, the applicant intends to replace the current window in the subject building with modern ones that will dampen sound.

The site is also contains several mature trees along the adjacent roads and internally. Further, the adjacent sidewalk and pedestrian right of way provide little-to-no verge in which street trees can be planted.

2. Will the waiver violate the Comprehensive Plan?

No, the development and related zoning change are in compliance with Plan 2040.

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

Yes, the applicant merely wishes to maintain the site's exterior in its current state given the limited physical changes associated with the zoning change.

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?

Strict application of the provisions of the regulations deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant due to the location of existing buildings upon the site that the applicant is proposing be re-used. Strict application would mandate removal of structures and/or substantial infrastructure alterations along the property lines and right-of-ways. As a non-profit entity focused on improving the local community, adherence to the applicable regulations would impose a substantial hardship upon the applicant relative to the nature of the underlying zoning change for operation of a traditional restaurant.

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