

# NONCONFORMING REVIEW STATEMENT OF FINDINGS

Pursuant to County Code Section [22.172.060.C](#): Findings and Conditions, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

2.a	To require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
2.b	Such use, building or structure does not now and will not during the extension period requested: <div> <div>i.</div> <div>Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or</div> </div> <div> <div>ii.</div> <div>Be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or</div> </div> <div> <div>iii.</div> <div>Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.</div> </div>

## **Attachment to Nonconforming Review Statement of Findings**

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### **2.a To require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.**

Finding. The cessation of the use of the facility would cause a disproportionate burden to the permittee, who has operated in compliance with City requirements on the site for over 25 years. The facility was legally established and is compatible with surrounding business, commercial and industrial uses in the area.

### **2.b Such use, building or structure does not now and will not during the extension period requested:**

- i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or**
- ii. Be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or**
- iii. Jeopardize, endanger or otherwise constitute a menace to the public health safety or general welfare.**

The subject project was legally established on the property in 1995, and was expanded through issuance of appropriate building permits in 2015. The business has operated as a shoe store retail outlet during this entire time. It has operated in compliance with County policies and ordinances.

The project is located within an existing building that was originally approved as an industrial warehouse which is compatible with the surrounding industrial uses including other warehouses, offices, commercial uses and a restaurant. Thus there is no reason to anticipate that the building or use will adversely affect the health, peace or welfare of persons residing or working in the area.

Further, the subject use has not historically been materially detrimental to the use, enjoyment, or valuation of other properties in the vicinity of the site. Also, the clean and successful record of retail use in the building demonstrates that the use will not jeopardize, endanger or otherwise constitute a menace to the public health safety or general welfare.