



THE WHITMER LAW FIRM, LLC

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MEMORANDUM

TO: Alan Sielaff, Fraser Assistant Town Planner
FROM: Cooper Gehle, Associate Attorney
DATE: February 10, 2025
RE: Centrum Variance Referral

We have reviewed the following documents from the Centrum Variance Submittal:

- Variance Request
- Clayton Sketch Plan
- Vicinity Map
- Letter of Representation for Land Entitlement and Development

1. The Developer has requested a variance to the requirement that properties within the Riverwalk District zoning area are to have commercial use with a minimum of twenty (20) feet in depth on the ground floor. The requested variance focuses on the depth requirement, creating difficulties for the planned development resulting from the unique physical characteristics of the planned plot. Per the Whitmer Law Firm's review, each of the criteria required for a variance, as set forth in Fraser Town Code Sec. 19-1-330(a) has been met, excepting number seven (accommodations for persons with a disability) as inapplicable here. The unique shape and size of the lot on which the development is planned should be considered, and the variance should be granted as a minimally disruptive means of permitting efficient development that conforms with the purpose of

the Land Development Code. Additionally, the shape of the lot was not created by the Developer, and permitting the variance would not impact the essential character of the Riverwalk District. As such, the criteria warrant an approval of the requested depth variance.