

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 10.2.4.A to allow the property perimeter LBA to be less than 35 ft

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JUN 06 2017
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Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners in this instance has a 200 foot Greasy Ditch creek between the property and the property line of the adjoining residential property providing a very large buffer between the site and the adjoining residential properties. The placement of the proposed building and parking lot will create no ill effects to the public's health, safety or welfare.
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 Cornerstone 2020 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 the proposed hotel addition and guest parking lot is more in keeping with the existing hotel development and area along Fern Valley Road. By locating parking as proposed, the plan as proposed, more closely mimics other properties in the area, which also do not provide the 35 foot LBA.
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 the applicant would not have the ability to expand the hotel and provide adequate guest parking which is essential to the success of any hotel. The new hotel will improve the overall character of the area.

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