

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 5.8.1.B to not provide sidewalks along Factory Lane.

Explanation of Waiver:

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1. The waiver will not adversely affect adjacent property owners because this site is at the end of Factory Lane without sidewalks on the properties to the east of the development that have been previously rezoned for office use, and there are no other properties which would be served by sidewalks to the west of the property other than a connection to the rear of a retail development.
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 sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose due to the lack of connectivity with the built condition and lack of pedestrian traffic on the south side of Factory Lane.
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 it would be building sidewalks in areas where there is really no practical possibility of use.

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Waiver of Section 10.2.12 to reduce the required 10 ft VUA/LBA to 5 ft.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one next to the Snyder Freeway are related commercial and office sites. Enhanced landscaping can be provided to mitigate any potential negative impacts, which don't appear to exist.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because most of the required setback and perimeter landscaping is still provided, and this encroachment allow this site to be productively developed in something other than an impractical manner.
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 otherwise have a very difficult time developing this property.

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Waiver of Section 10.3.7.A to allow the proposed building to encroach in the other required 50 ft Gene Snyder Freeway Buffer

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one next to the Snyder Freeway are related commercial and office sites. Other properties along the Snyder Freeway have been approved for development with waiver encroachments into the Snyder Freeway setback where added screening can be provided. The additional proposed building created by dividing the previously proposed building into two buildings will not encroach as far into the 50' setback as the neighboring retail building nor further than originally proposed as one building.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because about two-thirds of the required setback is still provided, and this encroachment allow this site to be productively developed in something other than an impractical manner.
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 otherwise have a very difficult time developing this property.

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Waiver of Section 10.2.4 to allow parking, maneuvering, and a stairwell in the required 15 ft LBA

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one next to the Snyder Freeway are related commercial and office sites. Enhanced landscaping can be provided to mitigate any potential negative impacts, which don't appear to exist. Further, the proposed stairwell will only encroach partially into the LBA and will be for a short distance of the building. The stairwell will have enhanced landscaping and be used only for emergency situations.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because most of the required setback and perimeter landscaping is still provided, and these encroachments allow this site to be productively developed in something other than an impractical manner. Further, the additional stairwell adjoining the property to the east (Daugherty) is added for safety reasons and will not be a main entrance and is necessary to avoid reducing the building size down below the minimum required for the development to work.
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 otherwise have a very difficult time developing this property.