

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: To allow the req. 15 ft sewer & drainage easement to encroach beyond the max. distance of 50% of the 15ft LBA per 10.2.4.B & to allow 100% overlap.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the new Conditional Use Permit (CUP) site plan, in order to accommodate the access, circulation plan with round-about, retention pond and substantial open space, necessitates that several of the patio home style independent living buildings be located closer than otherwise required to some adjoining residential properties and that, as a consequence, the LBA/utility overlap exceed 50%.
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 application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the site plan would otherwise have to be materially altered to substitute some of the referenced design features, and possibly even buildings, to add perimeter buffer space and to avoid the LBA/utility overlap.
4. Strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, as stated in number 3 above, the plans would have to be materially altered, and what has been filed is the end product of multiple iterations of this plan -- the one filed being the best design and, by all accounts, not offensive to and supported by neighbors.