

RENEWAL OF SIMILAR PREVIOUSLY APPROVED WAIVER OF SECTION 10.2.4.B.1 TO ALLOW PARKING AND DRIVE LANE TO ENCROACH INTO THE 25-FOOT LBA ALONG THE WEST PROPERTY LINE. (PREVIOUSLY APPROVED ON MAY 17, 2006 IN DOCKET NO. 09-008-00WV)

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.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because one like it was previously granted as part of a prior development plan approval when the required setback was greater than that now. Along this line are an office-retail building, church and parking lots, with good existing screening and buffering, such that the added regulatory setback serves no meaningful purpose.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the 2040 Comp Plan filed with the RDDDP.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because some setbacks will remain along this west line where existing, plus planned new screening and buffering to protect the adjoining retail, office, church and parking uses exist.
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-developer would be deprived of land necessary to accomplish its design, especially at the density proposed to fund the required public infrastructure improvements to roads and stormwater management systems.