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 5.3.1.D.1.b.vi to allow more than 4 contiguous units

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this will be a separate development separate from the surrounding properties with very substantial open space and buffering for the adjacent properties. As a result, from the neighboring properties it will not be evident whether there are 4 attached contiguous units as allowed or whether there are 5 units as proposed. There are no proposed buildings with 6 units attached.

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 rezoning application.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver request is to allow the creation of the open space and buffering as shown on the development plan while still making the project financially feasible. If this were proposed instead as a rezoning to a zoning district allowing multifamily for a condominium regime no waiver would be necessary. In this case having the proposal as a PRD subdivision where the owners own their lot and home rather than the interior enclosed space, creates the waiver requirement.

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 would not allow a layout providing the connectivity and buffering demonstrated on the current plan trading same for the removal of the last unit in certain buildings to keep same under 5 units.

19-WAIVER-0039