

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: Chapter 10.2.4 of LDC to allow existing structures to encroach within the required 5' LBA

Explanation of Waiver: The lot and house were created/built at the turn of the century and predates the Land Development Code.

1. The waiver will not adversely affect adjacent property owners because this is a preexisting condition and has continued without issue to this day.
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.

The waiver acknowledges a preexisting condition.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there is no other alternative short of tearing down the structure.
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 is a longstanding condition which cannot be feasibly remedied without this waiver.

RECEIVED
SEP 16 2019
PLANNING &
DESIGN SERVICES

19-WAIVER-0061