

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.**

1. Will the waiver adversely affect adjacent property owners?

The overlap of the drainage easement with the rear setback will not affect the adjacent property owner because the subject site's individual home owners will retain the use of 25 ft rear setback. The waiving of the 15 ft buffer yard adjacent to the Polo Fields Golf Course will not affect the golf course because the intent of the buffer yard was to be applied to adjacent properties developed as a single family home on more than 5 acres. The lots in the adjacent Polo Fields subdivision did not comply with either regulation because they were not required at the time. Therefore the essential character will be maintained and there will be no adverse affects.

2. Will the waiver violate the Comprehensive Plan?

Both waivers are in keeping with the Comprehensive plan because for 7.3.30. E the rear setback is still usable and for 7.3.30.F the adjacent property is zoned residential but it is not a residential use-it is a golf course.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

It is the minium because rear yards in excess of the required 25 ft are being provided for 7.3.30.E. The adjacent property is not a residential use and is not the intent of the regulation to place a buffer next to a golf course but in spite of that there is a 25 ft rear setback to buffer the golf course.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict provision would unreasonably limit the design and size of the proposed single family residences.

RECEIVED

JUL 24 2020

PLANNING & DESIGN SERVICES