

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 LDC 10.2.4.B(1) to allow parking spaces to partially encroach into the 15 ft LBA along a short distance of the east property line where the "reserved" right-of-way width increases from 45 to 55 ft and where a minor amount to one-half of about 15 parking spaces are affected.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because a portion of the LBA is still provided in this area, and the adjoining properties are another parking lot and MSD drainage easement.
2. The waiver will not violate the Comprehensive Plan because for all the 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 the minimum necessary to afford relief to the applicant because only a small portion of the LBA is impacted and even then only a part of it.
4. Strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or will create an unnecessary hardship on the applicant because the applicant would lose critical parking or require a major redesign of the entire site in order to adjust for this right-of-way line which varies at this point in width.

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