

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 10.3.5.A.1 and Table 10.3.1 to allow the existing building to encroach into the 30 ft parkway buffer

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because no impacts are proposed. This is an as-built site where the corner of the building only encroaches into the parkway buffer 1 ft.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the original justification statement filed and adopted when this property was originally rezoned and because this is an as-built issue, the only Cornerstone 2020 Comprehensive Plan Guidelines and Policies of consequence are those pertaining to building design, landscaping and screening, all of which were addressed at the rezoning hearing in 2016.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because, as stated, this is an as-built condition, with the building encroaching only 1 ft into the parkway buffer.
4. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the building is already built and only encroached 1 ft into the parkway buffer, and moving the building back 1 ft would be impractical.

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