

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 8.3.3.A.1 to exceed three signs on the front façade of the building for a total of six signs on the front façade of the building, including the hotel addition.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the signs are internal to the site facing northeast toward the parking lot and horse training track. Due to the setback from Poplar Level Road and the M-2 and M-3 zoned properties in front of the subject site, the signs will likely not be visible from the road. The only residential homes that could conceivably see the front of the building are those along Dyer Avenue, being over 800 feet away with an 8' wood fence along that property line. As a result, this is one of the only cases where the front façade is almost completely an internal aspect of the site.
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 Comp Plan 2040 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 applicant is removing one of the existing signs from the gaming facility building as part of the new proposed hotel addition.
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 the number of signs allowed including both the existing gaming facility building and also the new proposed hotel building. This is because the hotel building is connected to the gaming facility building. If the hotel was constructed with a separation between the buildings, the signs would be in compliance.