

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 8.2.1.D.6 to allow the LED sign to be closer than 300 ft to the adjoining residential zoned properties.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the LED sign is for the gas pumps, which will be located adjacent to the Billtown Road access to the site, which is the furthest practical location from the existing Billtown Farms subdivision, the adjoining single family home subdivision, and where the senior care facility is situated across Gellhaus Lane. Furthermore, this same waiver request was approved in the 15ZONE1057 rezoning, because Billtown Farms residents requested the LED sign in place of letters manually altered to reflect changing gas prices as reflected in the Planning Commission Minutes from that approval.
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, approved, rezoning application in 15ZONE1057. Additionally, it will not violate the Comprehensive Plan pursuant to Plan 2040 and complies with, among other policies of Plan 2040, Goal 2 of the Community Form, Policies 1, 2, 3, 4, 5, 7, and 14, by being part of an activity center adjoining a mixture of institutional, high-density residential and single-family residential uses, with goods and services available in close proximity to the Gene Snyder Freeway-Billtown Road interchange, and being a small retail center that adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods, giving nearby residents an ability to walk to this small center or permitting nearby residents to use the proposed commercial development as a convenient first-stop or last-stop on their way to or from work and home in and around the neighboring area, including JCPS elementary and middle schools.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the sign is proposed as an LED one for purposes of gas prices pursuant to the previous request of Billtown Farms residents and because it will be located at the farthest practical distance from residentially-occupied buildings.
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,

without this waiver the applicant would be unable to satisfy the sign design preference of the majority of residents who have previously stated a preference as to how gas pricing is advertised.