

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 10.2.4 to allow pavement to encroach 17 ft into the 20 ft LBA along the north property line and to allow the existing building to encroach 11 ft into the 20 ft LBA along the south property line

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the encroachment on the south and north side of this property are current existing conditions. The encroachment of the home on the south has existed since the home was built decades ago, and is not being expanded or moved in any way. Additionally, the encroachment on the north is for parking, where parking already exists on the property. In order to move parking to the east (back side) or west (front yard) would require other waivers or variances, and the developer wants to protect the slope in the back and the trees in that area for buffering.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because most of the required setback and perimeter landscaping is still provided, and this encroachment allow this site to be productively used in a manner which it was originally developed, being for multi-family housing, which is very much needed in the area near the park.
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 applicant would otherwise have a very difficult time developing this property.