

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 4.2.13.B not provide the 30 foot buffer from buildings and/or the property line.

Explanation of Waiver:

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1. The waiver for the buffer will not adversely affect adjacent property owners because this site is an "as built" condition and has been used as a "memorial garden" for decades without any complaint of problem. The "memorial garden" is today part of St. Matthews Episcopal Church and has been used without negatively affecting adjacent property owners for thirty years.
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 rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this site has been used for decades as a "memorial garden" but the church wants to have the site officially recognized as a resting place for the final remains of those located there to prevent the site being discarded, encroached upon, or disrupted in the future.
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 site has been used in the current fashion with the consent of St. Matthews for decades and the church simply wants to have the area officially recognized. It does not desire to change any of the historic use of the site.

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Waiver of: Section 4.2.13.A not provide the 6 ft fence.

Explanation of Waiver:

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1. The waiver for the fence will not adversely affect adjacent property owners because this site is an "as built" condition and has been used as a "memorial garden" for decades without any complaint of problem. The "memorial garden" is today part of St. Matthews Episcopal Church and has been used without negatively affecting adjacent property owners for thirty years.
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 rezoning application.
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