

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 10.3.6 to waive the Shelbyville Road 25 ft Scenic Corridor Buffer Width to 20 ft

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because of the width of the Shelbyville Road existing right of way outside of the property boundary. Even after the applicant's addition of the additional right in / right out lane, there will be another 25' to 30' of green area with landscaping (which is partially being removed and replaced as well). Also, the small addition of the driving aisle into the Shelbyville Road 25' LBA will not encroach as far as the adjoining properties on the same side of Shelbyville Road, or the properties across Shelbyville Road.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the prior rezoning application, the evidence presented at the hearing, and in the 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 this 5' encroachment is the only way to revise the current detailed district development plan to provide the proposed additional four parking spaces (needed for the practical use of the site).
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 currently approved detailed district development plan will not have sufficient parking (for which this landscape waiver is being requested) and will cause parking issues for the site and for customers of the proposed bank.

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