

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 10.2.10 to waive the encroachment of the proposed drive lane into the proposed Barley Drive 15 ft LBA.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the drive lane and parking lot of the proposed bank adjoin Tract 2 of this same development which will also be a commercial use. The VUA along the realigned Bartley Drive will only be improved with the development of this site. The drive lane encroachment is 305 square feet. The LBA at its smallest point is still 10' in depth and an additional 400 square feet is added to mitigate the reduction of the required depth.
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 Plan 2040 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 the vehicle drive aisle only slightly encroaches into the 15 ft LBA. Any effort to comply with the LBA standards in LDC Section 10.2.10 would necessarily require substantial loss of much needed parking and it would limit access and traffic flow through the development.
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 it would unnecessarily limit parking and impede traffic flow and compliance would require adjusting the building and parking fields on the site which would generate even greater non-compliance and more variance and waiver requests.