

EXHIBIT 9: Section 7-1-8-:2.3:
Standards for Granting a Subdivision Deviation
Bauer Place Phase 3

1. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the Owner or Petitioner;

With the timing between zoning and re-subdivision from the actual pulling of building permits being undetermined; combined with the fact that the developer and townhome builder being separate entities, payment of the school and park donations at the time of recording of the Plat of Subdivision, would cause an unnecessary burden on the Petitioner.

2. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

Delay of payment of the school and park donations to the time building permits are pulled is not contrary to the intent and purpose of this Title: The donations would be made long before the generation of any school students or Park participants occupying the development.