

WAIVER JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The requested waiver of Section 5.9.2.A.1.a.ii of the Land Development Code, to remove the requirement of a stub street on the vacant adjacent south property to serve future developments, will not adversely affect adjacent property owners. The adjacent property to the south has been proposed for commercial development and it is likely that a connection will no longer be necessary for that redevelopment. Further, even if the south property is not commercially developed, the required connection would not create any significant improvement to access for either property.

The proposed waiver will not violate the Comprehensive Plan. The subject site exists in the Neighborhood Form District, which requires neighborhood streets be “designed to support physical activity for all users and invite human interaction.” The applicant has integrated a proposed a playground and dog park into the development and is providing connections to the neighborhood to the north with both a road and pedestrian connection, which supports the Comprehensive Plan.

The extent of the waiver is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to utilize the property fully and adaptively while also maintaining the essential character of the general vicinity.

The strict application of the regulations would create an unnecessary hardship on the applicant, as the applicant would be required to create stub streets to a property that will not provide any additional improvements or access.