## **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer <u>all</u> of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.** 

1. Will the waiver adversely affect adjacent property owners?

The driveway which will be converted into an access easement was built some time ago. A chain link fence is immediately adjacent to the the drive on its westerly side. There are no complaints from adjacent property owners about the drive. If it were widened to meet LDC requirements, however, it would be safe to say that neighbors would be alarmed, in particular due to the fact that most lots along River Park are narrow and street frontage is a precious commodity.

2. Will the waiver violate the Comprehensive Plan?

The intent of this minor plat is to help consolidate properties owned by Mr. Anthony French, and also to provide him a mechanism to deed property to his son, who lives in the house in the rear, the building on the proposed Lot 2 on the minor plat. As it stands one lot contains two houses, while this plat would put each house on its own lot, as current regulations require. Hence, this waiver would enable this site to conform to the Comprehensive Plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. If approved, the applicant plans no further construction. This minor plat is proposed to enable him to better organize his holdings and to allow him to divide the property he lives on from the property his son lives on.

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4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Present regulations are stricter than those at the time the buildings shown on the proposed minor plat were constructed. The two houses, garage and driveway are all existing. This waiver would allow the property to be divided in such a way that the property owner better conforms to existing planning goals. No new construction is proposed and no substantial change in the use of the land is proposed. A denial of this waiver and hence a denial of the minor plat would hinder the meeting of planning goals and also deprive the owner of the reasonable use of his land.

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1. Will the waiver adversely affect adjacent property owners?

The driveway which will be converted into an access easement has been in existence for quite some time, and has not drawn any complaints from adjoining property owners. The driveway is divided from the adjoining property by a chain link fence. Buildings are all existing and have stood for a long time. No new construction or development is proposed.

2. Will the waiver violate the Comprehensive Plan?

The waiver will actually help to enhance the Comprehensive Plan because it will bring the subject site into compliance with modern zoning regulations. Presently, one lot (006A01030000) contains 2 houses, when long term planning goals propose only one dwelling per lot.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. If approved, the applicant plans no further construction. He will proceed, through his representatives, to request approval from Public Works for his private driveway as the Land Development Code directs.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Present regulations, which were not in force at the time the applicant purchased and developed his land, call for only one dwelling per lot, whereas at present, a single dwelling per lot is specified for new development within Traditional Neighborhood form districts, and is considered desirable for long term planning goals. This waiver would enable the applicant to complete his minor plat which would enable him to put one dwelling on one lot and another dwelling on another lot. In that manner, he would comply with modern regulations.

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