

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 5.9.2.A.1.a.ii of the Land Development Code to not provide a stub connection to the adjoining property

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the only properties that the connection would potentially serve are single family lots to the north and a potential connection with the local road of Briscoe Ridge Lane. A connection to any of these properties would be of no practical use to the subject property as any residents of the subject site would be heading away from the Outer Loop. It would also position higher intensity development through what is exclusively single family homes and lots. Moreover, the local road is substandard and merely serves three single family lots. Making a connection to Briscoe Ridge Lane would disrupt these single family homes, in addition to the other single family lots. Currently all of the lots to the north have access to Briscoe Lane, with connections to Shepherdsville Road, in addition to other transportation connections and road network. This direct access to Briscoe Lane would be the most direct access for the few residents, rather than through the proposed private streets on the subject site.

2. The waiver will not violate the Comprehensive Plan because there are no new potential impacts to be mitigated by this request to not provide a connection.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because providing the connection has a very large impact single family residences to the north, the owners of which do not want the connection. In addition, stub connection provides little, if any, benefit to the development of the subject site where its traffic is more appropriately directed to the major arterial of the Outer Loop. Further, due to the nature of the connection through the private streets and parking lot of the subject site, this is very different from a subdivision proposal in which a publicly dedicated right of way is proposed.

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 of the significant changes required to the current proposed development plan to make the connection, resulting in the loss up to 24 units. Thus, there is very limited benefit, if any, to either of the properties by providing the connection, and a very large detriment to the subject property and the neighbors to the north which are less intense of development than the subject site.