

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 7.3.30.B to allow detaching housing adjacent to private streets, and Section 6.2.8 to allow private roadways to serve 6 lots.

Explanation of Waiver:

1. The development is low intensity, and the waiver will not adversely affect adjacent property owners. The prior subdivision plan (20-MSUB-0007) was approved on December 9, 2020, with the joint application and consent of prior adjacent property owner (“Existing Approved Plan”). The Existing Approved Plan included public roads to serve the neighborhood and the roads have been built to public road specifications. The Owner would prefer the roads become public as intended in the Existing Approved Plan; however, the new adjacent property owners has refused to comply and honor the previous agreements to dedicate his portion of the bridge at the entrance of the neighborhood. Even with the private roads there is no new connectivity and the existing connectivity for the rehabilitation home will remain. The rehabilitation home will continue to have two access points including the private road pursuant to that certain Access Easement Agreement recorded in found in Book 11944, Page 198.

2. The waiver will not violate the Comprehensive Plan because this development is compatible with the surrounding area. The development has already been previously approved, and no extension stubs will be required for future buildout.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will allow applicant to continue the development of the subdivision while continuing efforts to dedicate the rights-of-way. Without such relief the applicant would be forced to abandon the development at enormous cost. The Directors of Public Works and Planning and Design services have provided their consent to the use of private roadway in accordance with LDC 6.2.1.

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. Without such relief the applicant would be forced to abandon the development at enormous cost.