

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 no acceptable.

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

Specifically, the Applicant seeks relief from creating a stub to Mount Washington through a residential lot.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because in fact the property owners on Mt. Washington Road adjacent to the residual tract do not want, and are opposed to, the creation of a new public roadway now or in the future. This is now a residential lot with sewer service and will be a desirable home site. This connection would be disruption to the neighbors' quiet enjoyment of their homes.
2. The waiver will not violate the Comprehensive Plan because there are no new potential impact to be mitigated by this request to not provide a connection, and the two connections provided satisfy the Mobility Goals of Plan 2040.

Because the connection is not necessary and there are already two connections provided and have access via the Woods of Pen Run by Parkview Trace Drive, this satisfies Mobility Goal 3, Policy 20.

3. The extent of the waivers is the minimum necessary to afford relief because sufficient connections are provided and the additional connection would be disruptive to the existing neighbors.
4. Strict application of the regulations would deprive the property owner of a reasonable use of the land and would create an unnecessary hardship because it would eliminate two lots in the proposed subdivision, and the developer is reliant on developing all the proposed lots to recover its costs. Often just a few lots make the difference between breaking even and making a profit.