

Justification for Waiver at 5602 Chenoweth Run Road

This is a request for a waiver of the requirement in LDC 7.8.60.B.4 which prohibits “direct access to either a major arterial, minor arterial or a collector level roadway from individual single lots is prohibited”

The purpose of the minor plat is to create two tracts from one tract.

This area is a mixture of large non platted residential lots and some larger tracts of land. Chenoweth Run Road is labeled a secondary collector road which is the least intense road category subject to the terms of LDC 7.8.60.B.4. The Road is not heavily traveled since it does not have direct access to the expressway and is in a fairly rural portion of Jefferson County. The location of the existing home and driveway prohibit the use of a shared access point and agreement which is sometimes used in these Minor Plat situations. The road is flat in this area and adequate site distance is available for a new driveway. The waiver is requested because only one new tract is proposed, thus minimizing any impact on traffic on the roadway.

1. The waiver should be granted because the waiver will not adversely affect adjacent property owners because similarly situated landowners along Chenoweth run Road have the same type of access.
2. The waiver will not violate the Comprehensive Plan because the primary intent of the regulation is to limit direct access onto collector or higher level roads when planning multiple new lots in a major subdivision plat or at least creating multiple new lots.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because a shared driveway access is not possible and only one new access point is being requested.
4. The strict application of the provisions of the regulation creates an unnecessary hardship on the applicant because the granting of one additional access point will not overly burden this road and the land cannot be divided without this waiver.

For these reasons, a waiver of the requirements of LDC 7.8.60.B.4 is requested in order to allow for direct access as indicated on the Minor Plat onto Chenoweth Run Road.

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15 Minor plat 1147