

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.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect property owners. This waiver request benefits the neighbors as the use of the private drive allows for less fill in the floodplain, and less impervious surface directly adjacent to properties within Sycamore Creek Subdivision with existing drainage problems.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan as all lots will have undeterred access to roadways and the City of Lyndon has agreed to maintain the private road as if it were public.

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

The extent of the waiver is the minimum necessary as only three of the 7 proposed lots will be served by this private road and Etawah Ave will still receive a cul-de-sac per the Mayor of Lyndon's wishes.

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?

Strict application of the regulation would create an unnecessary hardship on the applicant due to the fact that a large amount of construction and fill would have to take place within the existing floodplain to construct a public road/ cul-de-sac to provide public road frontage for all proposed lots.

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21-WAIVER-0010

Sidewalk Waiver Justification:

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

1. Explain how the proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

The intent of sidewalks in the LDC and Comp Plan are to connect pedestrians to adjacent developments and/or to public rights-of-way. In this case, the City of Lyndon owns and maintains Etawah Ave, and while they will be widening the road they will not be constructing sidewalks. Therefore, there will be no sidewalks for the development to connect to.

2. Explain how the waiver will not adversely affect adjacent property owners.

The waiver will not adversely affect adjacent property owners because adjacent property owners do not have existing sidewalk networks that the subject development could connect to.

3. Explain how you are unable to reasonably comply with one of the listed methods of compliance in LDC section 6.2.6.C.

Based on the City of Lyndon’s proposed work to expand Etawah Ave in the near future, and those plans not including the addition of sidewalks, a sidewalk waiver appears to be the most appropriate request.

4. Explain how strict application of the provision of the regulations deprives you of reasonable use of the land or creates an unnecessary hardship.

The strict application of the provision would create an unnecessary hardship as The City of Lyndon has stated that Etawah Ave will not have sidewalks installed, and therefore any sidewalks within the proposed development would lead to nowhere.

5. What site constraints make sidewalk construction impracticable? Or, are there no existing sidewalks in the area and no likelihood for sidewalks to be constructed in the future?

There are no existing sidewalks in the area and no likelihood for sidewalks to be constructed in the future.

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21-WAIVER-0037



April 1, 2021

To Whom it may concern,

I am writing to appeal a few topics of concern regarding the proposed development on Etawah Ave. We do not wish for Mr. Ernspeker to construct sidewalks usually recommended for new developments. The City of Lyndon is planning to widen Etawah Ave. and its parallel neighbor Witawanga Ave. to a standard width between 18 and 20 feet, depending on allowable conditions. Sidewalks will not be included in our plan as Etawah is a "Dead End" street with no sidewalks currently present. The timeline for the widening is dependent upon the results of the decision to proceed with this development. The City would prefer to wait until any major construction is completed at the applicant's site so the results of our work would not be compromised by heavy equipment used for potential construction.

Not only has the current width of the road been a concern for existing residents, but the abrupt dead end leaves no room for emergency, sanitation and delivery services to turn around. This results in many of these services to have to enter the street backwards, creating a dangerous situation at the intersection of Hwy 146 LaGrange Road and Etawah Ave. We have asked that this development include a cul-de-sac turnabout within their plan to allow these services the room to egress easily. The plan shows this inclusion, leaving 3 lots on a proposed private drive. If the cul-de-sac extended to serve these remaining homes, the amount of fill necessary to compensate for the floodplain could exacerbate the drainage issues in the neighborhood to the north and removes more potential greenspace that provides a buffer between the two communities. The City commits to servicing these three lots in applicable snow events if necessary and would still receive all of the services the City provides to its other residents.

Please consider this plan as it is presented.

Brent Hagan

Lyndon Mayor

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