

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: Sections 5.9.2.A.1.a.ii to not create stub streets to connect to the east to Ochsner Farms.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the owners of the adjoining Ochsner Farm property has agreed that a stub connection to the north is better than one to the east. This is especially true because the Ochsner Farm property is a large one with significant frontage along Urton Lane and with a connection through the new apartment building property to the north which leads to Shelbyville Road. The Ochsner Farm property could develop in any number of ways, residential, business park or retail. Therefore, lots of decisions, including those regarding points of access, will be made at a future date and do not need to be made at this time through the provision of this Urton Woods connector to the east.
2. The waiver will not violate the Comprehensive Plan because connectivity is provided as shown on the accompanying conservation subdivision plan, just not at this east location. Furthermore, as set forth in # 1 above, points of access to and connection throughout the Ochsner Farm and to other properties will be determined when that large tract is developed in the future. Not providing this particular connection from Urton Woods does nothing to limit the Ochsner Farm development's future access and connectivity options.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because connections to the north as well as to the already built section of Urton Woods are provided, just not to the east for the reasons set forth in #s 1 and 2 above.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would lose a lot or two to create an access point that is unnecessary for the reasons described in #s 1 and 2 above and not even desired by the owners of the Ochsner Farm for many of the same reasons.