

**LDG DEVELOPMENT, LLC**

**6203 Gellhaus Lane  
Case No. 18DEVPLAN1134**

**WAIVER JUSTIFICATION**

The proposed waiver of the 15' buffer yard requirement will not adversely affect adjacent property owners because the adjacent property owned by Jefferson County School District is not residentially used. The adjacent property owned by Jefferson County School District is zoned R-4 Residential, but is currently undeveloped. Thus, waiver of the 15' buffer yard requirement will not adversely affect Jefferson County School District or any other adjacent property owner.

The proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to extend the rear yards of its proposed residential lots to the edge of the applicant's property line without any adverse effect on the adjacent undeveloped Jefferson County School District property.

The proposed waiver of the regulations is the minimum necessary to afford relief to the applicant. Absent the waiver, the applicant would have to needlessly reduce the rear yards of its proposed lots adjacent to the Jefferson County School District property line. Because the Jefferson County School District property is undeveloped, the proposed waiver will not adversely affect Jefferson County School District or any other adjacent property owner.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. The waiver is the result of misapplication of the buffer yard requirement to the undeveloped Jefferson County School District property, which is zoned R-4 Residential, but is currently undeveloped. Absent the waiver, the applicant would have to needlessly reduce the rear yards of its proposed lots adjacent to the Jefferson County School District property line.

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**WAIVER JUSTIFICATION**

The proposed waiver of the requirement that the residences in lots 1-8 of the proposed development face Gellhaus Lane will not adversely affect adjacent property owners. The proposed waiver is necessary because there is a 12% grade change adjacent to Gellhaus Lane. If the applicant was required to construct the proposed private access drive for lots 1-8 (the proposed Road "A") adjacent to Gellhaus Lane, then the steep grade would require construction of a 12' retaining wall. Thus, the proposed waiver will avoid the need to construct an unaesthetic retaining wall.

The proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to construct the proposed residences on lots 1-8 in compliance with the Comprehensive Plan and avoid the need to construct a 12' retaining wall. The waiver will also avoid the need to construct driveways on a steep grade.

The proposed waiver of the regulations is the minimum necessary to afford relief to the applicant. Absent the waiver, the applicant would have to construct a 12' retaining wall and construct driveways for lots 1-8 on a grade that is too steep for vehicle access. The proposed waiver would resolve both of these issues.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. As stated above, absent the waiver, the applicant would have to construct a 12' retaining wall in order to construct the proposed private access drive for lots 1-8 adjacent to Gellhaus Lane. The applicant would also have to construct driveways for lots 1-8 on a grade that is too steep for vehicle access. The proposed waiver would resolve both of these issues.

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