

WAIVER JUSTIFICATION STATEMENT
Drainage Easement Overlap
Section 7.3.30.E

The proposed waiver of Section 7.3.30.E of the Land Development Code to allow more than 15% rear yard/drainage easement overlap for lots within the subdivision will not adversely affect the adjacent property owners. The configuration of these drainage easements is already in place and was part of the original subdivision of the adjacent property and the alignment of existing sewer infrastructure through the subject property. The proposed development is consistent with other developments in the area.

The proposed waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to utilize the property fully and will provide adequate screening to the neighboring residential lots while providing additional residential options in the neighborhood. Waiving the 15% rear yard drainage easement limitation will allow the applicant to provide more meaningful buffering along the creek to the south of lots 6-11.

The extent of the proposed waiver is the minimum necessary to afford relief to the Applicant. The proposed waiver will permit the applicant to fully utilize the property while still providing adequate drainage infrastructure and buffering adjacent to the stream that runs through the subject property.

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 it would require the Applicant to reconfigure its proposed development in a way that differs materially from the lotting pattern of adjacent properties.

