



LDWA-2023-58
CGF WAIVER

The request is for the BoCC to approve access to their 25.13 +/- Acre property South of the 0.79 +/- Acre lot, known as platted lot Fox Phase Lots 32 & 33, Parcel 232716-000980-000320. The access requested is for Parcel 232716-000000-022020.

The assigned Land Use for the platted lot is RL-3, and the subject property requesting access is designated RL-1 Land Use. The owner's intent is to develop no more than four (4) lots, far less than the minimum lot size allowed through the RL-1 designation of minimum 40,000 S.F.

SECTION 932

1. Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;

The larger parcel (25.13 AC) is currently landlocked. The owner purchased both properties in January 2022; the single-family lot (0.79 AC) was built in 1981. The existing house will remain. Approval of the easement will allow access and future development of the 25+ acres. Adjacent to the East is Huntington Hills Subdivision, and from an aerial it may appear that access could be obtained through Bendelow Drive however, that is owned by the Huntington Hill POA. Permission would have to be granted through the POA, and it is unclear if there are HOA covenants in place that prohibit access. Additionally, a Level IV waiver request for access would need to be submitted (Currently what is being requested through the Fox Chase lot) and proposed development would impact far more existing single-family homes using Bendelow Drive than the current request accessing Silver Fox Path.

2. Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;

The 30' access easement is the minimum adjustment that will permit legal access to the larger parcel. Both subject properties are owned by the



same entity, and the Silver Fox parcel has the open space for the easement, without making any adjustments to the existing home and corresponding improvements.

3. Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;

The requested waiver and proposed easement meets all the criteria as described in Section 705.B of the Code.

- a. **The easement will serve no more than four (4) lots**
 - b. **The proposed lots will meet the applicable lot size and density within the RL-1 district**
 - c. **Easement is proposed at 30' (Minimum is 20')**
 - d. **Easement is not longer than 0.25 miles (1,320 Feet) in length – proposed length is +/- 778'**
 - e. **The lot is part of Fox Chase Subdivision recorded in PB 69 PGs 32/33**
 - f. **The lot is part of a developed subdivision, with infrastructure however, the proposed four (4) new lots will utilize private well and septic systems**
 - g. **The parcel is not within GSACSC**
 - h. **Once the easement is granted, there will be the necessary legal documents in place for access to the future four lots**
4. The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and

No precedent will be set with the granting of the waiver; nowhere in the surrounding area is a large tract of this size (+/- 25 AC) that is landlocked. The properties to the North, West, and East are all developed single-family subdivisions. The property to the South is also a +/- 25 AC parcel however, it is pastureland with a barn. Access was obtained through Huntington Hills subdivision Phase V, Lot 42 platted in 1997.



5. Whether all other avenues of relief have been exhausted.

The Huntington Hills POA will not grant access through the platted Tract A (it is believed there is a lift station located within said tract.) The practical access is through the proposed 30' easement, through Fox Chase.