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Access Waiver Submittal Requirements and Application Instructions

Office of Planning and Development
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Land Development Code applicability and criteria for waivers

Justification: The Land Development Division Director or his/her designee may grant or deny waivers from the requirements set forth in the Land Development Code (LDC) and may impose such conditions upon said waiver as deemed appropriate. In order for the Director or his/her designee to consider the granting of a waiver, the applicant must submit a written narrative that legitimately and adequately demonstrates how all of the following criteria have been met per LDC Section 932:

1. Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property; *Whisperwill lane is the only access road to 9095 Whisperwill lane. Access is needed.*
2. Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;
This access is the minimum adjustment
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;
Access to 9095 is in a low density area with little traffic in and out whisperwill lane.
4. The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and
There are only 5 property owners on whisperwill lane.
5. Whether all other avenues of relief have been exhausted.
No other avenue can be made than to allow access.

The burden of demonstrating entitlement to a waiver from the Land Development Code shall rest with the applicant. Failure to provide written narrative demonstrating how each of the above criteria has been legitimately and adequately satisfied will constitute an incomplete application and the application shall be rejected.