

No, reasonable use of the property could be achieved without the secondary access from Bob Johnson Road. The proposed site plan could be adjusted slightly to eliminate the secondary access and accommodate vehicular circulation requirements within the developable area of the site. The secondary access from FM Bob Johnson Road is not required for the proposed use of this site.

- c) Does not create a significant probability of harmful environmental consequences; and

No; initial disturbance of the existing slopes required to construct the road will require considerable alteration and potential degradation of the slopes. Furthermore, operation and maintenance of the road will likely lead to degradation of steep slopes at this site and set precedent for future similar requests.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. Disturbance of the slopes will increase erosion and sedimentation risks on site both during construction and with ongoing use and maintenance of the driveway.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;
No, staff does not find the above criteria to be met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

No, reasonable, economic use of the entire property can be achieved without the construction of the driveway on a slope with a gradient of more than 15 percent.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No; the proposed site plan can be adjusted to function within the requirements of the Land Development Code by eliminating the secondary driveway proposed on a slope with a gradient of more than 15 percent.

