



## **KOVA LOTS ADDENDUM**

As part of the application for the Kova Lots subdivision, the applicant is proposing an alternative proposal for street width. City Code §11-3-11-C: Street Plan typically requires a 60' right-of-way but due to the already short depth of the proposed lots within the subdivision the applicant proposes that certain public improvements are instead sited onto the portion of lots adjacent to Railroad Avenue to ensure that setbacks would not further impact the buildable areas of each lot. As shown on the preliminary plat and civil engineering plans, a 5' easement is proposed as opposed to the dedication of 5' of public right-of-way. This 5' easement would be utilized to provide a pathway.

City Code §11-1-6: Exceptions to Conditions allows the City Council to grant flexibility as proposed above when the subdivision regulations may be better served by an alternative proposal. This request should be approved because:

1. Granting this exception will provide equal or better protection for the City. Specifically there will be no functional difference between citing the pathway on the proposed 5' easement or upon 5' of public right-of-way.
2. Granting this exception will not be detrimental to public safety, health or welfare or injurious to other property. As stated above, an easement will ensure a path or other required improvements are sited appropriately. Requiring 5' of public right-of-way will provide no additional benefit.
3. The condition upon which the request is based is unique in that unlike most of Dover that has been through normal subdivision processes (not through Planned Unit Developments), Railroad Avenue appears to be the only public right-of-way less than 60'.
4. Because of the property's surroundings, requiring a full 60' right-of-way at this location would create an unnecessary hardship for the applicant. Specifically, the distance between Railroad Avenue and the railroad right-of-way to the north is such that it requires the lots to be shallow. Most of the lots are only 75' deep, which when coupled with the required setbacks, creates a situation where the available buildable area is very small. Asking for an additional 5' of right-of-way would make setbacks even harder to meet.
5. This request is a slight modification from the normal street standards as identified in the City's subdivision ordinance, Title 11. This request is not in conflict with the city's zoning ordinance, comprehensive plan or other City of Dover ordinances.