Variance Request and Staff Evaluation

The applicant has requested a variance from Section 23-406(B)(6), BMCC that would require the provision of 65 feet of right of way for Bench Boulevard (a Principal Arterial street) as it fronts the east side of the subject property.

Bench Blvd., a State corridor, has been slated for reconstruction and widening in the future. This northern portion of Bench will be last to be reconstructed, however, the State Department of Transportation (MDT) has planned and designed for the reconstruction, and has identified the need for only 80 feet of right-of-way along this frontage.

The existing right-of-way width at this location is currently 60 feet (30 feet for each half). The current City Subdivision Regulations (Section 23-406(B)(6)) require the dedication of 130 feet (65 feet half-width) at the time of subdivision on arterial streets such as Bench Boulevard. Due to the fact MDT has identified its right-of-way needs, City Public Works has minimized their additional right-of-way needs to an additional ten feet per half-width to accomplish the future planned improvements.

In reviewing the criteria for granting subdivision variances, granting this variance will not be detrimental to public health and safety or injurious to adjoining properties, and due to the fact that two houses exist fronting Bench Blvd., requiring the full 35 feet of right-of-way dedication may place an undue hardship on the existing property. Additionally, the variance will not result in an increase in taxpayer burden, as the design for the street upgrade only requires 10 feet of additional right-of-way. Lastly, granting the variance will not place the subdivision in violation of any adopted zoning regulations or the 2008 Growth Policy.

Therefore, City staff recommends that City Council approve the requested variance from Section 23-406(B)(6) of the City Subdivision Regulations to allow for the dedication of 10 additional feet of right-of-way for Bench Boulevard, in lieu of the required 35 feet.