



*Rio Grande
Engineering*

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RE: DHO Waiver

Map 37 Tract 33

508 Aspen Avenue NE

To whom it may concern,

This letter seeks to obtain a waiver to the requirement to completion of the road, curb and gutter, and sidewalk on 508 Aspen Ave NE. The existing road exists in an atypical section, containing an inverted crown and 4' wide estate curbs. The installation of curb and gutter and sidewalks is contrary to existing nature of road and drainage.

Below is the relevant section in IDO, Section 14-16-6-6(P)(3):

1. Any of the following criteria apply

a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines. **EXISTING ROADWAY IS AN ATYPICAL STREET SECTION. THE ROADWAY IS INVERTED WITH 4' WIDE ESTATE CURBS. SIDEWALK AND CURB WOULD IMPEDE FLOW PATTERNS**

b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance. **THE AREA IS PRE- 1959 SUBDIVISION, WHILE NOT HISTORICAL, THE MANOR OF ROAD LAYOUT HAS SIGNIFICANCE**

c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location. **THE EXISTING ROADWAY HAS 4' ESTATE CURBS THAT FIT WITH**

THE LANDSCAPING, ADDING RAISED SIDEWALK AND ITS TRANSITIONS WILL NEGATIVELY IMPACT ADJACENT CHARACTER

d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning. **EXISTING ROADWAY IS NARROW AND WITH INVERTED CROWN THE SECTION HAS INGENUITY IN DESIGN**

2. The Waiver will not be materially contrary to the public safety, health, or welfare. **WAIVER WILL NOT IMPACT PUBLIC SAFETY**

3. The Waiver does not cause significant material adverse impacts on surrounding properties. **LACK OF WAIVER WILL CAUSE MATERIAL ADVERS IMPACTS ON SURROUNDING PROPERTIES**

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements **EXISTING ROADWAY IS FULL SECTION AND HAS BEEN IN EFFECT FOR DECADES**

5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance. **WAIVER WILL ALLOW EXISTING FULLY DEVELOPED CONDITIONS TO REMAIN**

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain. **SITE IS NOT IN FLOODPLAIN**

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone. **WAIVER DOES NOT CONFLICT WITH IDO OVERLAY ZONES**

8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(N) (Deviations) and is granted by the DHO as part of this approval. **GRANT OF WAIVER WILL HAVE NO IMPACT ON DEVELOPMENT STANDARDS**

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P). **WAIVER WILL ALLOW EXISTING HOME TO BE CONSTRUCTED IN MANOR CONSISTENT WITH NEIGHBORHOOD**

10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing

sidewalk system extended to 1 or more sides of the subject property. **THERE WILL BE NO GAP IN EXISTING SIDEWALK, WITHOUT WAIVER, THE CONSTRUCTION OF CURB AND RAISE SIDEWAL WILL CREATE GAP THAT DOES NOT EXIST NOW**

Thank you,

Luke Soule