

RESOLUTION

A RESOLUTION TO APPROVE WAIV-16-005916 – A WAIVER OF ZONING ORDINANCE SECTION 7-302.1.A.2 ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET (PIN 7839-11-5835-000, CEDAR RUN DISTRICT)

WHEREAS, William and Janet Peters, owners and applicants, are seeking a Waiver of Zoning Ordinance Section 7-302.1.A.2 to allow the dedication of a private street that does not connect directly to a state maintained street for the purpose of allowing one (1) lot plus the residue via the Family Subdivision process; and

WHEREAS, the applicants propose to create one (1) Family Subdivision lot and a residual lot from the 18.0000-acre parcel identified as PIN 7839-11-5835-000; and

WHEREAS, no further division density would remain for the subject property PIN 7839-11-5835-000 for the creation of additional lots; and

WHEREAS, the connection of this proposed private street onto the existing private street Living Water Lane will not unreasonably affect properties through which access is planned; and

WHEREAS, the Board of Supervisors has determined that the application does satisfy the standards of Zoning Ordinance Section 7-302.2; and

WHEREAS, the Board of Supervisors has determined that granting the requested waiver constitutes good zoning practice; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3<sup>rd</sup> day of November 2016, That WAIV-16-005916 be, and is hereby, approved, subject to the following conditions:

1. The waiver is granted only for the purpose(s), structure(s) and/or uses indicated in the waiver application (WAIV-16-005916) submitted by William and Janet Peters, and shall be in general conformance with the application materials, except as modified by these conditions.
2. The waiver is granted solely to allow the Family Subdivision of PIN 7839-11-5835-000.
3. A note shall be placed on the plat stipulating that both the Family Lot and the Residue Lot cannot be further subdivided.
4. The applicants shall improve the existing and proposed portions of the private street Living Water Lane, so as to provide an erosion-resistant gravel surface of at least ten feet (10') in width. The gravel surfacing shall be installed prior to issuance of an occupancy permit for the proposed Family Lot or Residue Lot created from the subject property, with the gravel surfacing installed with the first lot to be developed.

5. A road maintenance agreement shall be provided to the County for review and approval as a part of the Family Subdivision application, and shall be recorded with the plat of Family Subdivision. The road maintenance agreement shall provide for the repair and maintenance of the private street, access for emergency vehicles and maintenance vehicles, snow removal and mowing, and any signage.
6. The road maintenance agreement shall require that the current and any future lot owners of record for the proposed Family Lot and Residue Lot created from PIN 7839-11-5835-000, and the adjacent property PIN 7839-01-3987-000, shall be responsible for the maintenance of the entire portion of the proposed extension of the private street easement and physical roadway that lies within the parcel currently designated as PIN 7839-01-3987-000.
7. The maintenance agreement shall include that the applicants and any future lot owners of record for the proposed Family Lot and Residue Lot created from PIN 7839-11-5835-000, and the adjacent property PIN 7839-01-3987-000, shall be responsible for a proportionate share of all maintenance responsibilities and costs for the existing portion of Living Water Lane that serves PIN 7839-03-3800-000, PIN 7839-04-3177-000 and PIN 7839-13-2308-000.