

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Explain how the proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

This site is zoned M2 and M3 which is meant for industrial uses which we are proposing, all other requirements of the code are being met, this waiver is only being requested due to the hardship it would create for our site and the adjacent site.

2. Explain how the waiver will not adversely affect adjacent property owners.

This waiver will actually be favoring the adjacent property to the North as we would have to rip out some of their existing infrastructure in order to create a pedestrian connection to Produce road. It would be very unlikely that the omission of the sidewalk would affect any of the adjoining properties, as there isn't much to connect to as this portion of Produce road has relatively no public walks.

3. Explain how you are unable to reasonably comply with one of the listed methods of compliance in LDC section 6.2.6.C.

The route this sidewalk would have to take is full of obstacles that would need to be reworked, including ramps and parking, it's unlikely that this could even be reworked as the ramps go to dock doors. In order for a sidewalk to even be connected to this site it's likely that it would have to take a different route and the property owner would have to purchase additional property, posing an undue burden.

4. Explain how strict application of the provision of the regulations deprives you of reasonable use of the land or creates an unnecessary hardship.

In order to fully comply with this code requirement we would not only have to gain access to the adjacent property owner's land but likely bear the expense of reworking some of their infrastructure in order to accommodate said sidewalk, causing hardship for us as well as the adjacent property owner.

5. What site constraints make sidewalk construction impracticable? Or, are there no existing sidewalks in the area and no likelihood for sidewalks to be constructed in the future?

In order for sidewalks to be constructed from this site to the adjacent Produce Road, there are multiple constraints including ramps, and parking. There is no clear route for this walk to run. It is also very unlikely that sidewalks will ever connect to this site as there are no nearby public sidewalks.