

General Waiver Justification:

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

Waiver of Section 6.2.6 of the Land Development Code not to provide the sidewalk along the west side of proposed Street "A".

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the location of the proposed waiver is along the west side of Street "A" which does not contain residential home lots. A sidewalk will be provided on the east side of Street "A" to still provide sidewalk and pedestrian connectivity along Street "A". The sidewalk will be provided along the side of the road with the residential homes. The waiver will also not adversely affect adjoining property owners to the west in the Saratoga Springs subdivision because they have expressed their desire at the neighborhood meeting not to have the sidewalk on the west side of Street "A" at the rear of their property.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver request is only made due to the lack of sufficient area on the west side of Street "A" to allow for both the proper grading for the drainage swale for stormwater management and to also provide a sidewalk.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because of the inability to provide proper drainage through the drainage swale and to also provide a safe ADA compliant sidewalk. The strict application of the provision of the regulation would create a hardship in design on this side of the street due to the inability to get a 1' shoulder at the edge of the sidewalk and enough depth for the swale.