

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. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

1. The only Comprehensive Plan Guideline that applies to this request is Bicycle, Pedestrian and Transit Guideline 9. The requested waiver conforms to Guideline 9 and all applicable Policies adopted thereunder, including Policy 9.1, because requiring construction of a sidewalk would be of no benefit to pedestrians, nor would it serve the general public. Thus, in accordance with Policy 9.1, requiring a sidewalk at this location would not be appropriate.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

2. The intent of the Land Development Code Sec. 6.2.6 regarding sidewalks is that development generating a need for pedestrian access should provide that access unless there is a compelling reason not to. The Code does not require sidewalks in areas where the development generates no need for sidewalks or where construction of sidewalks would not benefit the general public. In this instance construction of a sidewalk that is an island will not serve to satisfy the intent of Sec. 6.2.6 nor will it benefit the general public. The granting of the waiver will result in development more in keeping with the overall intent of the Land Development Code.

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3. What impacts will granting of the waiver have on adjacent property owners?

NO PROPERTY OWNERS ON THE SOUTH SIDE OF McMAHAN BLVD FROM TAYLORSVILLE ROAD TO LOWE ROAD HAVE A SIDEWALK.
THE NORTH SIDE OF McMAHAN BLVD FROM TAYLORSVILLE ROAD TO LOWE ROAD HAS A SIDE WALK THAT EXTENDS FROM TAYLORSVILLE ROAD TO LOWE ROAD.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

THE SIDE WALK WOULD SERVE NO PURPOSE TO THE PUBLIC BEING BUILT ONLY IN FRONT OF MY HOME & HAVING NO SIDEWALK ON THE REMAINING 1100 OR SO FT FROM LOWE RD TO TAYLORSVILLE ROAD.

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