

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?

THIS WAIVER IS BEING REQUESTED IN ACCORDANCE WITH SECTION 6.2.6.B.2. THE LAND DEVELOPMENT CODE STATES THAT, IN CERTAIN CIRCUMSTANCES, IT IS APPROPRIATE TO WAIVE THE REQUIREMENTS FOR CONSTRUCTION OF THE SIDEWALK.

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?

THIS SITE IS LOCATED IN A RURAL AREA. THE PROPERTIES ON THE SOUTH SIDE AND ACROSS THE ROAD HAVE BEEN DEVELOPED WITHOUT SIDEWALKS. NO SIDEWALKS EXIST IN THE AREA AND ARE UNLIKELY TO BE CONSTRUCTED. ALSO, SINCE THIS IS A CONTRACTOR'S OFFICE, PEDESTRIAN TRAFFIC TO THIS BUILDING IS VERY UNLIKELY.

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

THERE ARE FEW RESIDENTIAL PROPERTY ADJACENT TO THIS SITE. PROPERTIES ACROSS THE STREET AND TO THE SOUTH ARE ALREADY DEVELOPED, WITHOUT SIDEWALKS. IF THIS SIDEWALK WERE BUILT, IT WOULD CONNECT TO NO OTHER SIDEWALK. THE PROPERTY TO THE NORTH IS ZONED M-2.

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?

COMPLIANCE WITH THE LAND DEVELOPMENT CODE WOULD REQUIRE THE OWNER TO BUILD APPROXIMATELY 450 FEET OF SIDEWALK. THIS WOULD BE QUITE EXPENSIVE AND OF LITTLE USE IN THIS AREA.

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PLANNING & DESIGN SERVICES



Variance Justification:

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

1. Explain how the variance will not adversely affect the public health, safety or welfare.

THERE CAN BE NO ADVERSE AFFECTS TO HEALTH, SAFETY OR WELFARE SINCE THE BUILDING IS BEING MOVED FURTHER AWAY FROM THE ROAD. THE PROPOSED ENTRANCE LOCATION IS NOT CHANGED.

2. Explain how the variance will not alter the essential character of the general vicinity.

THE ADJACENT BUILDING TO THE SOUTH IS SETBACK APPROXIMATELY 400' AND BUILDINGS ACROSS THE ROAD ARE SET BACK APPROXIMATELY 95' TO 175'. THEREFORE, THIS BUILDING WOULD BE A SIMILAR SETBACK TO THE OTHER BUILDINGS.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

THIS BUILDING WILL BE MOVED FURTHER AWAY FROM THE ROADWAY SO THERE WILL BE A LESSER HAZARD AND NUISANCE.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

THE BUILDING LOCATION, AS PROPOSED, IS AS CLOSE AS IT CAN BE TO THE ROAD WHILE ~~SAVING THE~~ PROVIDING THE AREA FOR THE ON-SITE SEWER LATERAL FIELD.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

THE BUILDING MUST BE MOVED FURTHER FROM THE ROADWAY IN ORDER TO FACILITATE THE ON-SITE SEWAGE LATERAL FIELD. DUE TO TOPOGRAPHY AND SOIL TYPE, THE LATERAL FIELD NEEDS TO BE LOCATED BETWEEN THE BUILDING AND THE ROADWAY AS SHOWN ON THE PLAN.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

THE STRICT APPLICATION OF THE REGULATION WOULD NOT ALLOW THE OPTIMUM LOCATION OF THE ON-SITE SEWER LATERAL FIELD.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

THE DEVELOPMENT PLAN IS SUBSEQUENT TO ADOPTION OF THESE REGULATIONS.

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