

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.**

1. Will the waiver adversely affect adjacent property owners?

No. Sidewalk is being provided to the adjacent lots at the rear of the property.

2. Will the waiver violate the Comprehensive Plan?

This waiver will not violate the Middletown Commons Development Plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. The Chick-fil-A parcel has been graded to blend in with the Middletown Commons Development. The lot was left approximately 9' lower than Shelbyville Road. It is not feasible to construct an ADA accessible sidewalk from the Chick-fil-A Site to Shelbyville Road.

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4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

(a) Pedestrian connectivity will be provided to the adjacent parcels at the rear of the Chick-fil-A Site. (b) Strict application of pedestrian connectivity to Shelbyville Road while meeting ADA Standards would result in the loss of developable lands or if constructed within the public right-of-way, would be a maintenance issue for the City.