

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.

In this case the applicant is not able to comply to provide the connection to the right of way as this lot is served by an existing shared access easement that due to its current configuration and use does not allow adequate room or safe access for the provision of a sidewalk and the adjacent uses are like this one, are secure facilities making a pedestrian connection between them inappropriate.

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

The omission of the pedestrian connection to the right of way will not affect the adjacent property owners as there is no sidewalk provided along either of their frontages on Bishop Lane with which to connect. These uses are autonomous and secure facilities that do not encourage pedestrian connections between them and the adjacent developments.

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

Any improvement to provide the connection would be required to be provided on the adjacent developments that share the access easement and would not be appropriate as a loading area would have to be crossed. Ultimately there is no sidewalk on Bishop Lane on either of the adjacent frontages. The access required between adjacent developments is impractical as the adjacent developments are secured with fencing and do not promote connectivity.

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

Since this lot is served by an access easement currently used by the adjacent developments to the north and east and there is not room to provide the connection without negatively impacting these uses, the strict requirement of the regulation puts an inappropriate burden on this applicant especially when there is no walk along Bishop Lane to connect to nor any transit service available there. On the 2nd request interconnections are not desired by these users.

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?

Any improvement to provide the connection would be required to be provided on the adjacent developments that share the access easement and would not be appropriate as a loading area would have to be crossed and ultimately there is no sidewalk on Bishop Lane on either of the adjacent frontages. The access required between adjacent developments is impractical as the adjacent developments are secured with fencing and do not promote connectivity.

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MAY 04 2020

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2020-05-04