

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?

The waiver will not violate the Comprehensive Plan in that the development will still provide a north-south pedestrian way along the property on Old Bardstown Rd frontage which is a much safer pedestrian environment being adjacent to a 2 lane road rather than along the higher speed multi-lane Bardstown Rd. The development will provide a 5' sidewalk along the Old Bardstown Rd frontage to off-set the waiver of the sidewalk along Bardstown Rd.

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?

The development will provide a 5' wide north-south pedestrian path on the Old Bardstown Rd side of the development. The old Bardstown Rd frontage is a quieter, safer location for pedestrian traffic.

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

The waiver will not adversely affect adjacent properties since no sidewalks exist along this side of Bardstown Rd in this area and sidewalks will be provided along the parallel Old Bardstown 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 extent of the waiver is the minimum to afford relief as the development is located between two existing roadways which would require double the amount of sidewalks that most developments are required to provide. The Bardstown Rd sidewalk would be impractical and would present constructability issues as it would be located between the pavement of a high-speed multi-lane roadway and a drainage ditch.

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