

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 proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code in that it waives the construction of a public sidewalk in a location that would not be used by the general public and would not be connecting to an existing network of neighborhood sidewalks. The location of the required sidewalk is in an existing drainage swale and along a line of utility poles and there is no adjacent sidewalk to connect to on either end.

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 proposed location of the required sidewalk is adjacent to the rear of a commercial automobile dealership, autobody shop, and existing vehicle storage lot which is separated from the adjacent Norfolk Drive by an eight foot tall chain link fence topped with razor wire for security. The proposed sidewalk is also across the road from existing residential developments and does not provide connectivity to an existing sidewalk network or the existing automobile dealership.

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

The granting of this waiver will not have an impact on adjacent property owners. There are currently no sidewalks in the adjacent neighborhood and the proposed sidewalk, due to its location and lack of adjacent connecting sidewalks, would not be used by the surrounding community. The required sidewalk would not be utilized and would add impervious area to an area that is currently vegetated and pervious. In today's climate, the reduction of impervious surfaces and an increase of vegetated areas help by aiding in the absorption of storm water run-off.

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?

A strict application of the regulation would create unnecessary hardship in that the developer would be financing construction of a sidewalk that would have no value in the existing neighborhood context.

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OCT 23 2017

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