

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 because a sidewalk currently exists and serves the site in a manner that provides safe pedestrian travel. Waiving any additional required sidewalk would maintain this safe pedestrian flow, and not encourage unsafe pedestrian travel that would lead to an adjacent lot containing a large MSD basin.

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?

Compliance with the regulations is not appropriate because a sidewalk currently exists on a portion of the site that abuts Champions Trace Lane. Any additional sidewalk would not effectively serve the property, and providing a sidewalk along the entirety of Champions Trace Lane would eventually lead pedestrians to nowhere.

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

Granting the waiver will not impact the adjacent property owners. Currently a sidewalk is provided along only a portion of the subject site that abuts Champions Trace Lane, not the entire length of the property that abuts Champions Trace Lane. Therefore, not providing additional sidewalk will not impact the adjacent property owners.

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 strict application of the provisions of the regulations could interfere with the existing rain gardens onsite that are located along the property edge that abuts Champions Trace Lane. The additional drainage from the sidewalk would flow to these raingardens, and in some areas the rain gardens may require reconfigurations if a sidewalk was to be required. Also, the requirement to build any additional sidewalk could place a financial strain on the owner.

19-WAIVER-0016