

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 conforms to the Comprehensive Plan and the Land Development Code since neither the proposed use nor the existing conditions generate the need for a sidewalk in the area.

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?

Since this proposal is for an event venue which would not generate pedestrian traffic, since there is no new construction proposed with this change in use and since there are not sidewalks to connect to nor adjacent uses that would typically benefit from the provision of sidewalks this request would not trigger the need for a sidewalk and therefore is in keeping with the Comprehensive Plan and the intent of the Land Development Code

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

The waiver will not adversely affect the adjacent property owners because it would not connect to any sidewalk in either direction on this side of Cedar Creek Road. There is a steep slope and guardrail east of the site along the Heritage Creek East subdivision open space lot that conflicts with the provision of a sidewalk in that direction. There is no sidewalk on Cedar Creek Road west of the site where there are several larger single family lots other than the existing sidewalk on the opposite side of Cedar Creek Road that was provided with the Heritage Creek West subdivision.

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 regulations would create an unnecessary hardship on the applicant as there are no sidewalks in either direction that the walk would connect to and since the proposed event venue would not generate a need for sidewalk access.