

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Explain how the proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

This waiver supports the Comprehensive Plan's goals for affordable housing by allowing the self-funded construction of a small-scale primary residence 520 sq ft of total living space without burdening it with prohibitive, non-functional development fees. The intent of the sidewalk code is pedestrian connectivity, however, because no connecting sidewalk network exists for this rural county road, an exemption preserves the intent of the code while preventing inflation of housing costs.

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

By receiving this waiver it has zero impact on adjacent properties. The entire stretch of Top Hill Road consists of open dirt shoulders and natural drainage ditches with absolutely no existing pedestrian infrastructure. No neighbor will be cut off from a walking path, and the natural drainage patterns of the road shoulder will remain undisturbed.

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

Construction of a 60-foot sidewalk would create an isolated concrete island that poses a safety hazard due to natural drainage rather than an asset. Financially, paying the full \$3,250 fee-in-lieu upfront is nearly impossible for my self-financed build with a strict budget going into the project, as it immediately drains a disproportionate amount of critical budgeting required to construct the primary house itself.

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

Strict application creates topographical hardship - the frontage of 1801 Top Hill Road and all of Top Hill Rd. consists of heavily wooded, steeply sloped terrain with natural drainage shoulders. There are zero existing sidewalks on Top Hill Road or the immediate surrounding vicinity. Forcing a sidewalk build or an upfront fee creates an island to nowhere with no public pedestrian network to connect to. Financially, it is a highly disproportionate percentage of the total construction budget, creating an immediate, severe financial hardship for self-funded single-family affordable housing.

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?

The entirety of Top Hill Rd. frontage is heavily wooded with significant sloped topography leading down into drop-offs and natural drainage shoulders, making physical concrete installation structurally impracticable. Furthermore, there are zero sidewalks in the area and no likelihood of future connectivity on this section of Top Hill Road, making an infrastructure investment at this specific property & area entirely obsolete.