

Waiver Justification Statement

Waiver from Chapter 5.9.2.A.1.b.i of the Land Development Code (Middletown) to omit the required interior sidewalks within the industrial site

- (1) Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners since pedestrian connectivity between adjacent properties will be provided through sidewalks provided on Aiken Road.

- (2) Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan due to mobility intents of Plan 2040 being met by the sidewalks of the property along the public ROW of Aiken Road. Internal pedestrian connection would result in safety issues as a result of the industrial uses located on the subject site.

- (3) Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since sidewalks will be provided along the public ROW allowing connectivity between adjacent properties.

- (4) Has either:
(a) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since internal sidewalks between the uses being proposed would create an industrial traffic/use conflict with any potential pedestrians.