

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four 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. Will the waiver adversely affect adjacent property owners?

This waiver will not adversely affect adjacent property owners. The waiver is being sought so that a sidewalk may be constructed for pedestrian connectivity.

2. Will the waiver violate the Comprehensive Plan?

This waiver will not violate the Middletown Commons Development Plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. Due to the fact that connection to the public sidewalk on Shelbyville Road is not feasible due to grade change, the best place to ensure pedestrian connectivity is to construct a sidewalk along the northerly property line.

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4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

(a) The quantity of on-site landscaping exceeds what is required.
(b) Strict application and providing pedestrian connectivity will lessen the developable area of this parcel so that it would not be a viable project for Chick-fil-A.

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