

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?

Holiday Towers Boulevard is a dead end street that serves primarily businesses with apartments at the end. The existing hotel has been in existence since the mid-1970's. the intent of the Land Development Code and the Comprehensive Plan is to encourage pedestrian access where possible, however in this case the existence of a flood wall and landscaping along the roadway makes it extremely difficult to construct a sidewalk. The construction of the sidewalk would result in the destruction of existing landscape.

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?

The development has existed for many years and is in need of restoration, the restoration of the existing structures and the accompanying improvements will result in a development that will be an asset for the community.

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

There will be no adverse impacts on adjacent property owners since there is an intermittent stream between the hotel and some of the adjacent property owners and the remaining adjacent property owners are business related.

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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?

There is not sufficient room between the floodwall and the roadway to construct a sidewalk without destroying existing landscape and the side walk would interfere with the opening and closing of the flood gates during times of flooding, thus creating an unnecessary hardship.