

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.

Waiver of Section 6.2.6 to omit the sidewalk required along a portion of the S. English Station Road frontage, specifically across lots 9-12 and Lot 136, all north of Oxford Station Lane.

Explanation of Waiver:

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code? The 2040 Comprehensive Plan requires sidewalks along streets in order to implement alternative modes of transportation and to connect people to jobs, goods and services with efficient. The partial waiver of this requirement conforms with the Comprehensive Plan because the sidewalks will connect to the Oxford Station Road intersection, where it makes sense for alternative modes to travel to be directed and to originate from. The small area of which the waiver is requested would result in a dead end with no purpose because South English Station Road then crosses I-264 without any room for sidewalks. Further, the inclusion of sidewalks across these lots would encourage pedestrians to try and cross the narrow bridge across I-264 resulting in the creation of a dangerous condition. Moreover, the topography in this area is not conducive for sidewalks. The terrain has steep drop offs in this area of South English Station Road as it leads to the bridge across I-264, which is currently protected by a guardrail close to S. English Station Road denoting the current condition of the terrain in this 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.

The waiver will not violate the Comprehensive Plan for all the reasons set forth above, in that it leads to nowhere and also creates a dangerous condition. Further, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.

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

The waiver will not affect any adjacent property owners because S. English Station Road crosses I-264 at this area where there are no other neighbors. There also is no pedestrian connection across I-264 with which to connect.

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?

Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the steep slopes and terrain, where drainage areas current exist, would be cost prohibitive and the resulting sidewalks in this would serve no practical, useful purpose since there is no pedestrian connection across the interstate, I-264 Gene Snyder Freeway. Moreover, the added expense would mainly result in an unsafe and hazardous condition by encouraging pedestrian traffic in an area which is unsafe for them to travel.

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