

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?

The site is located in an existing residential area. The existing residential area lacks public sidewalks. The existing site and surrounding residential area is non-conforming with the current Land Development Code because the development predated sidewalk requirements. There are no transit stops in the vicinity of this property.

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 Comprehensive Plan allows for waivers due to inappropriate conditions. The residential area adjacent to the frontage of the site was developed prior to the adoption of the Land Development Code and there are no public sidewalks in the vicinity.

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

Granting of the waiver would have no impact on adjacent property owners, since there are no existing sidewalks in the vicinity.

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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?

Strict application of the regulations would create unnecessary hardship on the applicant to construct a sidewalk along the Foxcroft Road and Hunting Creek Drive frontage due to existing conditions and limitations created by the existing topography. Additionally, there are no existing sidewalks in the vicinity of the site.

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