

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 5.8.1.B to omit the requirement for sidewalks.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the waiver of sidewalks will only apply to Morat Ave. This waiver is not being requested on Hurstbourne Pkwy. where sidewalks will be installed. Currently the only other property on the south side of Morat Ave. does not have sidewalks so adding them to this site will only lead pedestrians to a virtual dead end creating an unsafe condition where pedestrians would then have to cross Morat Ave. where no cross-walk exists. Further, sidewalks do currently exist on the north side of Morat Ave. and the infrastructure is in place for that side of Morat to safely serve the pedestrian traffic.
2. 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 Plan 2040 Comprehensive Plan filed with the original conditional use permit and for all the reasons set forth in the explanation to the above question.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it will build sidewalks along Hurstbourne Pkwy. and partial sidewalks along Morat Avenue to the point of entry but not beyond where the sidewalk would not be utilized by anyone.
4. 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 it would be building sidewalks in areas where there is really no practical possibility of use.

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Waiver of: Section 5.9.2.A.1.b.i to omit the pedestrian connection between the sidewalk and building entrance.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because there are none that would utilize sidewalks in these very limited areas. Moreover, the Applicant has also requested relief from LDC Section 5.8.1.B to omit a sidewalk along Morat Ave. for multiple reasons, including because there is no sidewalk along the south side of Morat Ave. on the other developed lot in this block. Adding a sidewalk to our site on the south side of Morat Ave. would create an unsafe condition as set forth in the other waiver request. Furthermore, since this use will be as a mini-warehouse, it will have few if any on site employees and its customer base would be vehicular because of the business it is in eliminating the need for the side walk.
2. 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 Plan 2040 Comprehensive Plan filed with the original conditional use permit and for all the reasons set forth in the explanation to the above question.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it will build partial sidewalks along Morat Avenue to the point of entry but not beyond where the sidewalk would not be utilized by anyone.
4. 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 it would be building sidewalks in areas where there is really no practical possibility of use.

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