

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?

Guideline 1 of the Comprehensive Plan states that connections to pedestrian facilities should be encouraged and walkways to workplace serving uses encouraged for employees and this is addressed with the provision of a sidewalk along Greenwood Road and into the site. Since there is no access pedestrian or vehicular to either Gray Lane or Greenbelt Highway from this site, there are only 2 employees anticipated, since the site does not generate pedestrian traffic and there are no sidewalks in the vicinity of this site for which these sidewalks would connect and since this is not a use pedestrians would typically walk to, the omission of these walks could be deemed acceptable.

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 requirement in the Development Code to provide sidewalks along all street frontages does not take into consideration the use proposed or whether sidewalks exist or if they are likely to exist in the vicinity to serve any purpose. Since this lot makes up the entire east side frontage of Gray Lane and the use not one that people walk to and since rather than an entrance a buffer is provided along this frontage a sidewalk here would not be used. As to Greenbelt Hwy the same arguments apply, as well as, the fact that there are no sidewalks anywhere in the vicinity to with which to connect. The walk proposed on Greenwood Road would meet the intent of both the LDC and the Comprehensive

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

There are no negative impacts resulting from the omission of these 2 sidewalks. Should adjacent property owners desire to access the site the sidewalk provided along Greenwood Road and into the site would provide adequate access.

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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?

Since the provision of sidewalks along these 2 frontages would not connect to any existing sidewalks, since a sidewalk on Gray Lane would serve no purpose with no access to the site, since the use is not one that generates pedestrian traffic, since constructing these walks would NOT connect to any other existing walks or provide access "between the adjacent residential area and nearby neighborhoods, schools, public recreation facilities, office/industrial and retail/service users" (as identified by Guideline 9). For these reasons the strict application of the regulations would create an unnecessary hardship on the developer.

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