

### **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?**

Granting this waiver will not conflict with the intent of the Comprehensive Plan and the Land Development Code because there are multiple options for pedestrian movement in and around this property. There will be new sidewalk segments built on this site from the building to the intersection and along Data Vault Drive.

**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?**

Granting this waiver will result in a development that will still allow pedestrian access around the site, but will also allow for the existing drainageways and utilities on this site to remain in their current functioning configuration. Additionally, Louisville Metro Planners recently decided to locate a proposed extension of the Louisville Loop shared use path on the south side of Shelbyville Road in this area in part due to physical constraints such as drainage ditches and utility lines on the north side of Shelbyville Road. These physical constraints on the subject site prohibit any practical sidewalk construction along Shelbyville Road.

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

Granting this waiver will not have any negative impact on adjacent property owners. All adjacent properties are non-residentially developed and there are alternate options for pedestrian movement 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?**

The strict application of the regulation would require the applicant to remove and relocate infrastructure that has functioned sufficiently for many years. Established landscaping would also be required to be removed if a sidewalk along Shelbyville Road is required to be installed.