

**WAIVER JUSTIFICATION
22-MCUP-0006**

This is a request for a waiver from Land Development Code (“LDC”) Section 5.9.2.A.1.b.i to allow the existing condition of no pedestrian access from public ROW.

1. The waiver will not adversely affect adjacent property owners.

The waiver will not affect adjacent property owners because there is currently no pedestrian access from the public ROW.

2. Will the waiver violate the Comprehensive Plan?

No. No provision of Cornerstone 2040 would be violated by the grant of the waiver. While the Comprehensive Plan does encourage pedestrian connectivity, this site needs to control and limit access. The public is not allowed onto the site and pedestrian connections could potentially cause confusion.

3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, due to privacy and safety needs, the waiver request is the minimum necessary.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the regulation would both deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.