

## Staff Report

**Subject:** Variance (Third District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** November 5, 2024

**Item Description:** **Joshua Moody** as agent for **Lowell Morgan** requests a **variance** from ordinance Section 7.1.18, to allow for the reduction in required 60-foot access easement. Located on Union Springs Road, zoned AR-1. **[Map# 441 Parcel# 7]**

### Executive Summary/Background

- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
  - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and*
  - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*
- The applicant requests a variance from Section 7.1.18, to allow for the reduction in required 60-foot access easement.
- The access will be a private road and is part of the platted parcel. Due to the access being platted as part of the parcel, there is no way for the applicant to obtain further right-of-way.
- The platted private road will be 30 feet.

### Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance.

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Variance Application 2. Aerial Photograph 3. Deed