

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: June 6, 2023
Item Description: **Marcus Peterson** requests a **variance** from 3.15B(h), to allow for a **rural business**, without frontage on a public road. Located at 1968 Highway 17 North, zoned **AR-2**. [Map# 269 Parcel# 20A01]

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from Section 3.15B(h), to allow for a **rural business**, without frontage on a public road, with conditions.

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 wishes to operate his business “Bolts & Bullets”, a firearm sales and assembly operation, as a rural business.
- Pursuant to Section 3.15B(h), a rural business must have frontage on a public road.
- The applicant does not have frontage, nor is there a reasonable manner in which to obtain frontage.
- The current access easement involves 3 other parcels, one of which belongs to the applicant’s parents.
- There have been no complaints to date involving business traffic to the applicant’s property.
 - At the May 9, 2023 Planning Board meeting, Peter Higgins made a motion for approval.
 - The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from 3.15B(h),
2. **Deny** the request for a **variance** from 3.15B(h).

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Variance application
2. Ownership certificate/authorization

3. Site Plan
4. Aerial photograph

5. Deed