

Staff Report

Subject: Variance (Fourth District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: June 6, 2023
Item Description: **Gary Neidlinger** requests a **variance**, from section 6.2.12(1), the restriction that a private, unpaved road may serve no more than 3 lots. Located on Charles Lane zoned **AR-1**, proposed zoning **AR-2**. [Map# 469 Parcel# 15]

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from section 6.2.12(1), 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.*
- Charles Lane is a private road which cuts through map/parcel 458-15 and may serve as many as 30 lots currently.
- The use and size of the lots proposed by the applicant are consistent with neighboring parcels along the river.
- The intended use of the 2 additional lots proposed is for “weekend recreational use” and therefore poses less wear to Charles Lane than a permanent residence.
- The applicant would be unable to create alternate access without further encumbrance to map/parcel 485-15.
- At the May 9, 2023 Planning Board meeting, Brad Smith made a motion for approval, with the following conditions:
 - The motion was seconded by Ryan Thompson, and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from section 6.2.12(1).
2. **Deny** the request for a **variance** from section 6.2.12(1).

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Variance application

3. Site Plan 5. Deed

6. Ownership certificate/authorization 4. Aerial photograph