

## Staff Report

**Subject:** Variance (Fifth District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** October 15, 2024

**Item Description:** **David Seckinger** requests a **variance** from ordinance Section 7.1.18, to allow for a reduction in required 60-foot access easement. Located on Ebenezer Road, zoned PD. **[Map# 446 Parcel# 19]**

### 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 ordinance Section 7.1.18, to allow for a reduction in required 60-foot access easement.
- The parcel is currently 15 acres, and the applicant would like to subdivide into three 5-acre parcels.
- The access easement is a platted easement that is part of the 15 acres.
- Due to the easement being part of the platted acreage, getting the right-of-way needed to meet the required 60 feet is the hardship.
- The variance is for 40 feet so that the access easement can be 20 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