

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: May 2, 2023
Item Description: **Adrian Webber** as Agent for **Wayne Bowen** requests a **variance** from required development buffers between existing developed parcels. Located on Goshen Road Extension, zoned **B-3**, proposed zoning **I-1**. **Map# 465D Parcel# 18**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from Section 3.4.1 to reduce required development buffers between existing developed parcels. 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.*
- Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.4.1 – Buffer Design Standards, provides required buffering between zoning districts. For Light Industrial, 25’ is required to adjacent industrial property, 50’ is required to commercially-zoned property, and 150’ is required to AR-1 property.
- A variance from buffer requirements was granted for adjacent parcels 465D-12&13 on July 20, 2021, and to map/parcels 465D-14,15,16,17 on August 2, 2022.
- The warehouses are part of an existing business park, and are suitable in size and location for low intensity industrial uses such as metal assembly. The proposed zoning will not have a negative impact on the adjacent land uses.
- There is no room to accommodate the buffer requirement on individual lots in the existing business park. The industrial zoned land to the north includes a 150’ vegetative buffer between industrial and commercial districts.
- At the April 11, 2023 Planning Board meeting, Peter Higgins made a motion to approve.
- The motion was seconded by Brad Smith, and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from required development buffers between existing developed parcels.
2. **Deny** the request for a **variance** from required development buffers between existing developed parcels.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

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

3. Site Plan
4. Aerial photograph
5. Deed