

## Staff Report

**Subject:** Variance (Third District)  
**Author:** Teresa Concannon, AICP, Planning Manager  
**Department:** Development Services  
**Meeting Date:** May 2, 2023  
**Item Description:** **Teramore Development, LLC** as Agent for **Ashley Fleetwood & Angela Usher** requests a **variance** from required development buffers. Located on Shawnee Road & GA Highway 21 North, zoned **B-1 & AR-1**, proposed zoning **B-2. Map# 264A Parcels# 20&21**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from required development buffers, 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.*
- A 30' vegetative buffer is required between AR and B districts; a 15' buffer is required between B districts.
- During a pre-application meeting on 1/9/2023 site limitations were discussed. The applicant is requesting reduction in the required buffers as follows:
  - Reduction of vegetative portion of buffer along Etheridge St from 30' to 15'. The detention pond would be located next to the buffer area, and would provide additional distance (greater than 30') between the building and Etheridge St.
  - Permit septic replacement area to be located in the 30' vegetative buffer along the southeastern property boundary with 105 Quarter Street and along the Hwy 21 frontage.
  - Reduction of buffer along Hwy 21 from 30'/15' to 10'.
- Stormwater filtration is a permitted use in the vegetative buffer area.
- At the April 11 Planning Board meeting, Mr. Ryan Thompson made a motion for approval, with an added condition:
  1. Variance to reduce vegetative buffer applies only in the case of a necessary drainfield expansion.
- The motion was seconded by Mr. Alan Zipperer, and carried unanimously.

### Alternatives

1. **Approve** the request for a **variance** from required development buffers with the following condition:
  1. Variance to reduce vegetative buffer applies only in the case of a necessary drainfield expansion.
2. **Deny** the request for a **variance** from required development buffers.

**Recommended Alternative:** 1

**Other Alternatives:** 2

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Variance application

3. Site Plan

5. Deed

2. Ownership certificate/authorization

4. Aerial photograph