

## Staff Report

**Subject:** Variance (First District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** January 03, 2023  
**Item Description:** **Craig Conaway** requests a **variance** from section 6.2.12(1), to allow more than three lots on a private road or easement. Located off Blue Jay Road, zoned **AR-1**. **Map# 351 Parcel# 4**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from section 6.2.12(1), to allow more than three lots on a private road or easement., 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.*
- This parcel is fully landlocked with exception of the existing easement, which serves approximately 6 lots.
- Ability to create alternative access is encumbered by wetlands and the presence of a residential subdivision between the property and the nearest thoroughfare.
- The applicant seeks to create a 5-acre lot, for the creation of a home site; the proposed new lot will remain AR-1. Staff would consider this a reasonable request if not for the non-conformity of number of lots being served by the private easement.
- At the December 19, 2022 Planning Board meeting, Ryan Thompson made a motion for approval.
- The motion was seconded by Alan Zipperer and carried unanimously.

### Alternatives

- 1. Approve** the request for a **variance**, with the following conditions:
  1. No further subdivision of the property shall occur without improvements which bring the unpaved easement to County standards.
- 2. Deny** the request for a **variance**.

**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	