

Staff Report

Subject: Variance (First District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: May 21, 2024

Item Description: **JD Bankston Enterprise, INC.** requests a **variance** from ordinance Section 5.1.4, to allow for a reduction in the required building setbacks. Located at 126 McLaws Road, zoned AR-1. **[Map# 296A Parcel# 70]**

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a **variance** from ordinance Section 5.1.4, to allow for a reduction in the required building setbacks.

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 Section 3.4.1, as the lot is approximately 98' wide and the applicant would like to add an addition to their home for their family.
- The addition would place the home 8ft from the property line, with the current zoning, the home is required to be 25' from the property line.
- There is a 20' lane adjacent to this parcel, the applicant has completed a title search and found that no one owns the lane. However, the applicant does maintain the land.
- At the April 9, 2024, Planning Board Meeting, Mr. Ryan Thompson made a motion for approval. The motion was second by Mr. Peter Higgins and carried unanimously.

Alternatives

1. **Approve** the request for **variance** from ordinance Section 5.1.4, to allow for a reduction in the required building setbacks.
2. **Deny** the request for **variance** from ordinance Section 5.1.4, to allow for a reduction in the required building setbacks.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application

2. Aerial photograph 3. Deed