

## Staff Report

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

**Item Description:** **Dee Moncrief as agent for Sovereign Resources, LLC.** requests a **variance** from ordinance Section 5.1.4, to allow for a reduction in the required building setbacks. Located at 105 Parkway Drive, zoned I-1. **[Map# 466C Parcel# 1C02]**

### 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 5.1.4, to allow the reduction in the required building setbacks.
- This variance will also allow the owner to avoid the utility easement that is currently on the parcel, while preserving the parking needed for the current business operations.
- The proposed setbacks for the new building will be 5 feet from the property lines.
- This parcel is zoned I-1 and is surrounded by other I-1 zoned parcels.
- At the April 9, 2024, Planning Board Meeting, Mr. Peter Higgins made a motion for approval. Mr. Brad Smith second the motion and it 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