

Staff Report

Subject: Variance (Third District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: September 3, 2024

Item Description: **Edward Vance** requests a **variance** from ordinance Section 3.21.1, to allow for the occupation of an RV/Camper during home construction. Located at 1717 Shawnee-Egypt Road, zoned AR-1. **[Map# 233B Parcel# 26]**

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a **variance** from ordinance Section 3.21.1 to allow for the occupation of an RV/Camper during home construction.

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 3.21.1 to allow for the occupation of an RV/Camper during home construction.
- On July 17, 2024, the applicant applied for a Residential Building Permit for the listed parcel (233B-26).
- The Future Land Use Map (FLUM) projects this parcel to be agriculture.
- At the August 13, 2024, Planning Board meeting, Mr. Peter Higgins motioned for approval. Mr. Brad Smith seconded the motion, and it carried unanimously.

Alternatives

- Approve** the request for a **variance** from ordinance Section 3.21.1 to allow for the occupation of an RV/Camper during home construction with the following conditions:
 - The camper may be occupied for up to twelve (12) months during construction. Should an extension be needed, the applicant shall come before the Board of Commissioners for approval.
 - Upon issuance of the Certificate of Occupancy for the house, the camper shall be vacated and disconnected from the well and septic.
- Deny** the request for a **variance** from ordinance Section 3.21.1 to allow for the occupation of an RV/Camper during home construction.

Recommended Alternative: 1

Other Alternative: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application

2. Aerial photograph 3. Deed