

Staff Report

Subject: Variance (Third District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: February 6, 2024

Item Description: **Hallie Myers** as agent for **Blue Sky Acres, Inc.** requests a **variance** from ordinance Section 3.4.1, to allow for a reduction in the required buffers. Located at 729 Ardmore Oaky Road. [Map# 285 Parcel# 5]

Summary Recommendation

Staff and Planning Board have reviewed the application and recommend **approval** of the request for a **variance** from ordinance Section 3.4.1, to allow for a reduction in the required buffers.

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 this property and surrounding area have continually been farmland. A planted buffer in this section would take away from the rural aesthetics of the area.
- The parcel is zoned AR-1 and has frontage on a County maintained road.
- In June 2023, the applicant received a conditional use for the rural business and is actively working towards a conditional use for Agritourism Business.
- The buffers will be:
 - 0' buffer along the east property line, there is currently a fence that separates the two parcels.
 - 10' landscaped buffer along Ardmore Oaky Road
 - 0' buffer along the west property line, there is currently approximately 20' of trees.
 - No variance needed along the northern property line as the buffer exceeds 300'.
- At the January 10, 2024, Planning Board meeting, Mr. Brad Smith made a motion for approval. The motion was approved by Mr. Peter Higgins and carried unanimously.

Alternatives

1. **Approve** the request for **variance**.
2. **Deny** the request for **variance**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application

2. Aerial photograph 3. Deed