

Staff Report

Subject: Conditional Use (Fifth District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: December 06, 2022
Item Description: **Gregory Edward Smithey** requests a **conditional use** for a **rural business**. Located at 631 Ebenezer Road, zoned **AR-2**. **Map# 446 Parcel# 45**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **conditional use**, to allow for a **rural business**, with conditions.

Executive Summary/Background

- The request for Rural Business Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article III-General Provisions, **Section 3.15B - Rural Business**. The Rural Business Conditional use requirements include consideration of:
 - Intent – the proposed business will sell bait, tackle, and will retail pre-owned goods.
 - Structure – the business will operate out of an existing accessory structure. This structure is compliant with building setbacks.
 - Square footage – The approximate square footage of the accessory structure is less than 1,000 square feet.
 - Public Road Frontage – the property has frontage on Ebenezer Road.
 - Acreage (3 minimum) – the property is 2.57 acres. This falls short of the required 3-acre minimum, however, the applicant has requested to consider (and the current owner supports) the adjacent 1-acre parcel (Map/Parcel: 446-43) as part of the 3 acres, as it is family land which once belonged to the applicant. Similar consideration to address acreage shortage for a rural business occurred in a rural business approved on 6/1/2020.
- The applicant proposes to operate during daylight hours, Monday-Saturday. Estimated customer traffic is a maximum of 6 cars during peak hours.
- The proposed business poses minimum impact to surrounding properties
- At the November 21, 2022 Planning Board meeting, Peter Higgins made a motion to **approve** the request for a **conditional use** for a **rural business**, with the following conditions:
 1. Operation of the retail business will fully comply with **Section 3.15B - Rural Business**
 2. An occupational tax certificate will be obtained, and kept in current and in good standing, for the duration of the rural business.
 3. All structures on the property shall conform to building setback requirements.
- The motion was seconded by Alan Zipperer and carried unanimously

Alternatives

1. **Approve** the request for a **conditional use**, to allow for a **rural business**, with the following conditions:
 1. Operation of the retail business will fully comply with **Section 3.15B - Rural Business**
 2. An occupational tax certificate will be obtained, and kept in current and in good standing, for the duration of the rural business.
 3. All structures on the property shall conform to building setback requirements.

2. **Deny** the request for a **conditional use**, to allow a **rural business**

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Conditional Use application
2. Ownership certificate/authorization
3. Aerial photograph