

Staff Report

Subject: Variance (First District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: November 7, 2023
Item Description: **Quail Preserve, LLC** requests a variance from Section 3.4.1, to eliminate the required buffer between commercial & AR zoning districts. Located on US Highway 80. **[Map# 329 Parcel#41E01]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a variance from Section 3.4.1, to eliminate the required buffer between commercial & AR zoning districts.

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.*
- Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.4.1, a 30’ buffer is required between B-3 and AR-1 zoned districts.
- This parcel was approved for rezoning to B-3 at the October 3, 2023 Board of Commissioners meeting to allow for development of multiple flex use buildings.
- The 15-acre parcel is less than 300’ deep and encumbered on the north side by 1.16-acre strip of land zoned B-2 which obstructs the full range of development on Highway 80 frontage.
- The proposed well sites are currently located in the 30’ buffer on the south side of the parcel.
- The adjacent property on the south side is owned by the applicant and under conservation status and therefore cannot be developed at this time.
- At the October 10, 2023 Planning Board meeting, Mr. Ryan Thompson made a motion for approval. Mr. Brad Smith second, the motion carried unanimously.

Alternatives

1. **Approve** the request for a variance from Section 3.4.1
2. **Deny** the request to **rezone** 1.5 +/- acres from **AR-1** to **AR-2**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Rezoning application and checklist	3. Plat	5. Deed
2. Ownership certificate/authorization	4. Aerial photograph	