

Staff Report

Subject: Variance (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 4, 2022
Item Description: **Dennis Morris** requests a **variance** from *section 3.4 Buffers*, to reduce the required buffer between industrial and various zoned parcels. Located on Old River Road, zoned **I-1 & AR-2**, proposed zoning **I-1. Map# 305 Parcel# 4A**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** from *section 3.4 Buffers*, to reduce the required buffer between industrial and various zoned parcels.

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.*
- Warehouse Distribution Centers are a heavy industrial use. The proposed development in the attached rezoning exhibit (dated 8-/10/2022) is surrounded to the north, south, and west by residential lots in the AR-2 zoning district. To the east are parcels in the B-2 and I-1 zoning district.
- The scale of the proposed warehouse development (350,948 sf) does not trigger regional review.
- The required vegetative buffer between heavy industrial and AR zoning districts is 300'. The proposed buffer reduction is from 300' to 200' along the western boundary of the development site, and 150' along the north and south boundaries of the development site. Included in the southern boundary of the development site is the stormwater pond.
- The other parcels in the proposed development site were rezoned to I-1 in November 2021.
- The buffer requirements for heavy industrial development were discussed at those public hearings.
- A buffer variance would be best decided as part of the sketch plan review process, to ensure that any buffer reduction was approved for a specific planned use. I-1 industrial permits a wide variety of uses.
- At the September 19, 2022 Planning Board meeting, Ryan Thompson made a motion to **deny** the request for a **variance** from *section 3.4 Buffers*.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. Approve the request for a **variance** from *section 3.4 Buffers*.

1. The reduced buffer is approved only for the warehouse development in the aforementioned rezoning exhibit (dated 8/10/2022). All other future uses of this site shall be subject to additional review, and reconsideration of the buffer variance.

2. Deny the request for a **variance** from *section 3.4 Buffers*.

Recommended Alternative: 2

Department Review: Development Services

Attachments: 1. Variance application
2. Ownership certificate/authorization

Other Alternatives: 1

FUNDING: N/A

3. Site Plan
4. Aerial photograph
5. Deed