

## Staff Report

**Subject:** Variance (Fifth District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** January 16, 2023

**Item Description:** **Jay Maupin – Maupin Engineering, Inc.** as Agent for **Oleg Mitnik** requests a variance from ordinance section 3.4.1, to allow for the reduction in required buffers. Located on Highway 21, zoned B-3. **Map# 465 Parcel# 1** in the **Fifth District**.

### 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 the reduction in 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 would like to reduce the buffer between the commercially zoned parcel and the industrially zoned parcel from 150 feet to 25 feet due to the lot depth and the amount of wetlands present on the parcel.
- The industrial parcel to the east has the same owner and has an existing buffer of 150 feet.
- The applicant has combined map/parcel 465D-9B and 465-1 for the commercial business. The building will be located on 465D-9B while the lot for the trucks will be located on 465-1.
- There is a required 15-foot vegetative buffer along Highway 21.
- At the December 12, 2023 Planning Board meeting, Mr. Peter Higgins made a motion for approval. Mr. Ryan Thompson second the motion and it carried unanimously.

### Alternatives

- Approve** the request for **variance**
- Deny** the request for **variance**

**Recommended Alternative:** 1

**Other Alternatives:** 2

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Variance application      2. Site Plan      3. Deed  
4. Ownership certificate/authorization      5. Aerial photograph