

## Staff Report

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

**Item Description:** MRD Partners, LLC as Agent for Ronald V. Roberts & Barry Chenkin requests a variance from Section 3.4 to reduce required development buffers from industrial to residential. Located on McCall Road, proposed zoned I-1. [Map# 450D Parcel# 4A, 4B & 5]

## Summary Recommendation

Staff and Planning Board have reviewed the application, and recommend **approval** of the request for a **variance** from Section 3.4 to reduce required development buffers from industrial to residential.

## 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 proposes to develop a “flex use” building. Their application to rezone to I-1 will be heard at the October 3, 2023 Board of Commissioners meeting.
- Due to prevalent wetlands on the property, development area is substantially limited on the ENE boundary.
- The applicant requests to reduce the required 300’ buffer to 25’, which is the required buffer between industrial-zoned properties.
- The applicant’s site is separated from residential properties along the property line in question by McCall Road, an 80’ County right of way.
- Multiple residents impacted by this buffer reduction have supported the rezoning request and intend to rezone to I-1 in the future.
- At the September 12, 2023 Planning Board meeting, Alan Zipperer made a motion for approval.
- The motion was seconded by Peter Higgins and carried unanimously.
- At the October 3, 2023 Board of Commissioners meeting, the item was postponed to the November 7, 2023 Board of Commissioners meeting during agenda approval.
- At the November 7, 2023 Board of Commissioners meeting, the item was postponed to the December 5, 2023 Board of Commissioners meeting during agenda approval.
- At the December 5, 2023 Board of Commissioners meeting, the item was postponed to the January 16, 2024 Board of Commissioners meeting.

## Alternatives

1. **Approve** the request for a **variance** from Section 3.4
2. **Deny** the request for a **variance** from Section 3.4

**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	