

**Subject:** Variance (First District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** July 9, 2024

**Item Description:** **Steve Murray** requests a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks. Located at 321 Horseshoe Road, zoned AR-1. **[Map# 355A Parcel# 13E]**

**Summary Recommendation**

Staff has reviewed the application and recommends **approval** of the requests a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.

**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 requests a variance from Section 5.1.4, to allow the reduction in the required building setbacks.
- The applicant is requesting to place a second home on the property but cannot meet setbacks due to the location of the septic tank.
- The required setbacks for an AR-1 zoned parcel are as follows:
  - Front: 50' - Rear: 50' - Side: 25' - From primary dwelling 50'
- Due to the location of the septic tank, the home will only be 8 feet from the back property line.

**Alternatives**

1. **Approve** the request for a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.
2. **Deny** the request for a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Conditional Use application 2. Aerial photograph 3. Deed