

## Staff Report

**Subject:** Variance (Fourth District)  
**Author:** Chelsie Fernald, Planner II  
**Department:** Development Services  
**Meeting Date:** December 5, 2023  
**Item Description:** **Denny Chapman** requests a variance from Section 5.1.4 to allow for a reduction in required building setbacks. Located at 641 Half Moon Road, zoned **AR-1**. [Map# 459E Parcel# 4]

### Summary Recommendation

Staff and Planning Board have reviewed the application, and recommend **approval** of the request for a **variance** from Section 5.1.4, to allow for a 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.*
- There is currently an active demo permit for the current 1-bedroom ,1-bathroom home on the property.
- The property is a non-conforming AR-1 property, with only .228 acres.
- Due to the width of the property being approximately 62ft total, the applicant will be unable to meet the side setbacks required for the zoning district.
- The applicant will only be able to meet side setbacks of 8 feet and 11 feet.
- At the November 14, 2023 Planning Board meeting, Mr. Brad Smith made a motion for approval. Mr. Peter Higgins second the motion, it carried unanimously.

### Alternatives

1. **Approve** the request for a **variance**.
2. **Deny** the request for a **variance**.

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** Development Services

**FUNDING:** N/A

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