

Staff Report

Subject: Rezoning (Second District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: September 5, 2023
Item Description: **Brandon Peszynski** requests a **variance** from Section 74.8, to allow for class 8 parking at a residence. Located at 124 Maple Drive, zoned **AR-1**. **[Map# 450D Parcel# 34A]**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** from Section 74.8, to allow for class 8 parking at a residence.

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.*
- Part II – Official Code, Section 74-8(a)(3) states that “The county prohibits the use of medium and heavy-duty vehicles, defined as commercial vehicles class 6 through 13, on routes not listed as designated truck routes”
- Section 74-8(d) makes exception for when it is necessary for the class 6-13 vehicle to utilize other roads for direct travel in the performance of a job, with proper documentation, Section 74-8(d)(4) provides for exemption for “bobtail truck, defined as only the tractor with no trailer and/or chassis attached, going to or from, and parking at the driver’s residence...”
- Section 74-8(d)(4) was approved as a revision to the truck route ordinance in February, 2023 with (according to the Staff report) the specific intention to “...limit the impact of tractor-trailer trucks on neighborhood and county roads”
- The applicant wishes to park his truck, with trailer attached, at his residence. The applicant’s address is approximately 1.5 miles from the nearest truck route.
- Approval of this request would involve granting variance not only to the applicant’s residence, but to each County-maintained road en route.
- The applicant has not provided evidence of any hardship as defined above.
- At the August 16, 2023 Planning Board meeting, multiple residents of surrounding properties voiced opposition to the variance application for reasons of:
 - Noise
 - Road damage
 - Safety
- Alan Zipperer made a motion for denial.
- The motion was seconded by Ryan Thompson and carried unanimously.

Alternatives

1. **Approve** the request for a **variance**, with the following conditions:

2. **Deny** the request for a **variance** from Section 74.8.

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