

## Staff Report

**Subject:** Variance (Third District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** November 19, 2024

**Item Description:** **Bruce Gordon** requests a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks. Located at 1743 Shawnee-Egypt Road, zoned AR-1. **[Map# 233B Parcel# 24]**

### 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 for the reduction in required building setbacks.
- This parcel has significant wetland coverage, but there is enough acreage for the home to be built.
- Due to the location of the wetlands, and the required 50' wetlands buffer, the applicant will need a variance from the side setback of 25'.
- The Future Land Use Map (FLUM) has this parcel designated as Agricultural.

### Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance with the following conditions:

1. A Building Permit shall be obtained and shall adhere to all regulations set forth by the International Building Code.

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments :** 1. Variance Application 2. Aerial Photo 3. Deed