

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: February 7, 2023
Item Description: **Jesse Edwards** requests a **variance** from section 6.2.12(1), to waive the restriction that a private, unpaved road may only serve three lots. Located at 400 Hadden Lake Road
Map#456 Parcel# 3

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** from section 6.2.12(1), to waive the restriction that a private, unpaved road may only serve three lots.

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.*
- Section 6.2.12(1) limits the number of parcels served by an easement or private road to three. Hadden Lake Road greatly exceeds this limit.
- According to section 6.2.12(7), lots served by a private access road may not be re-subdivided unless the private road is upgraded to county street standards.
- There are no land characteristics or conditions that prevent road improvements to county standards. Property owners currently accessing, or wishing to access, Hadden Lake Road can join a maintenance agreement and fund improvements to bring the road to County standards.
- At the January 18, 2023 Planning Board meeting, Mr. Alan Zipperer made a motion for denial.
- The motion was seconded by Mr. Brad Smith and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from section 6.2.12(1), to waive the restriction that a private, unpaved road may only serve three lots.
2. **Deny** the request for a **variance** from section 6.2.12(1), to waive the restriction that a private, unpaved road may only serve three lots

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services

FUNDING: N/A

Attachments:

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