

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: April 4, 2023
Item Description: **Christian Hale** requests a **variance** from Sec. 3.15B, which requires a minimum of 3 acres for **rural business conditional use** approval. Located at 1173 Hwy 21 North.
Map# 366 Parcel# 40

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from Sec. 3.15B, which requires a minimum of 3 acres for **rural business conditional use** approval, with conditions.

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.

- In order to conduct his business, the applicant wishes to obtain a conditional use for a rural, a requirement of which is a 3-acre minimum. The property is 1 acre in total.
- .5 acres of the property was approved for rezoning to B-3, to allow for automotive repair, in 1997. It reverted in 2008 since no subdivision plat was submitted, but continued to operate as an automotive shop through multiple owners prior to the applicant.
- Given multiple factors cited in the conditional use Staff report, it is preferable that the business be operated as a rural business rather than rezoned to B-3.
- At the March 14, 2023 Planning Board meeting, Mr. Ryan Thompson made a motion for approval, with conditions:
 1. The business will otherwise operate in full compliance with Sec. 3.15B.
- The motion was seconded by Mr. Brad Smith, and carried unanimously.

Alternatives

1. Approve the request for a **variance** from Sec. 3.15B **rural business**, with the following conditions:

1. The business will otherwise operate in full compliance with Sec. 3.15B.

2. Deny the request for a **variance** from Sec. 3.15B **rural business**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Variance application

3. Site Plan

2. Ownership certificate/authorization

4. Aerial photograph

5. Deed