



## **Access Variance: Buktail Acres**

Planning & Zoning Committee • August 6, 2024

**Property Owner(s):** Buktail Acres LLC, c/o Scott Sankey

**Property Location:** Located in the Northeast Quarter of the Southeast Quarter of Section 19 and the Northwest Quarter of the Southwest Quarter of Section 20, all in Town 13 North, Range 8 East

**Town:** Lewiston

**Parcel(s) Affected:** 634, 649

**Site Address:** N8598 Weyh Road

### **Background:**

Scott Sankey of Buktail Acres LLC, owner, requests the Planning and Zoning Committee review and approve an access variance to Section 12.210.04(5) of the Columbia County Land Division and Subdivision Ordinance. The subject property is listed as parcels 634 and 649 in the Town of Lewiston. There is an existing agricultural storage building on site. The property owner is proposing to create a 2-acre residential lot in the northwestern corner of the property, which can be viewed as Lot 1 of the attached preliminary Certified Survey Map (CSM). The proposed RR-1 lot will not have road frontage. Subsection 12.210.04(5) of the Columbia County Land Division and Subdivision Ordinance requires every lot or parcel to abut a public road; however, it also gives the County Planning and Zoning Committee the ability to waive or vary the road frontage requirement without scheduling a public hearing.

Access to the property is from Weyh Road via an existing easement across parcel 635, owned by the Living Trust of Dennis and Beverly Weyh. Parcel 634 does not have direct road frontage, so the owner is also requesting an access variance to Subsection 12.210.04(5) of the Columbia County Land Division and Subdivision Ordinance. This section requires every lot or parcel to abut a public road; however, it also gives the County Planning and Zoning Committee the ability to waive or vary the road frontage requirement without scheduling a public hearing, following a recommendation from the affected town board. Subsection 12.210.04(5)b. of the Columbia County Land and Subdivision Ordinance requires a unique property limitation must be present in order to request an access variance. This subsection states the following, “when a variance to the road frontage requirement is requested, a unique property limitation must be present. The application for a variance must include a description of the unique limitation. These limitations can include, but are not limited to, land suitability issues or limited/no access on the existing parcel of land.” The property owner believes that a limitation is present as the existing parcel does not have road frontage. The new lot will be accessed via the existing 33’ wide easement, per Document # 818397 and 213457. The easement has never been formalized with a separate document outlining the terms between parties, so a formal easement will be recorded with the Certified Survey Map associated with this request. The easement will also ensure access to Buktail Acres remaining lands. The easement location can be viewed on the preliminary Certified Survey Map, and a copy of the signed agreement is also attached. Signed applications for both property owners are on file with the Planning and Zoning Department.

### **Town Board Action:**

The Town Board recommended approval of the access variance and rezoning request associated with this proposal on June 13, 2024.

### **Recommendation:**

If the Planning and Zoning Committee chooses to grant the access variance for proposed Lot 1 of the attached Certified Survey Map, Staff recommends adding the condition that a note be placed on the Certified Survey Map stating, "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on August 6, 2024 to waive road frontage requirements for Lot 1 with access being provided by other instrument." The access variance will become effective upon recording of the Certified Survey Map and associated easement.