



## AGENDA ITEM COVERSHEET

---

**PREPARED BY:** Haley Anderson, Planner

**DEPARTMENT:** Community  
Development

**MEETING:** Board of Adjustment – 4/22/2025

**SUBJECT:** Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Maximum Lot Coverage, and Maximum Impervious Coverage at 817 Canal Dr. in the R-1 Zoning District.

Applicant: Pamela Capel & Martha Breslin

---

### **BACKGROUND:**

The applicant is requesting a variance from Section 3.13 of the UDO to the setbacks, lot coverage, and impervious surface regulations (See Attachment 1). The property is located at 817 Canal Dr. and is in the R-1 zoning district. The property consists of 1,571 sf of upland area directly adjacent to the town yacht basin. The property lines of the lot extend past the bulkhead over water because the lot was created from dredge spoils from dredging the yacht basin in 1939. The property lines that were created were not based on the existing land area. The property was bulkheaded in 2023, so the upland area is 25' wide and 61.5' long up to the bulkhead. Lot coverage and impervious surface coverage limits are based on the amount of upland area that is landward of the High-Water Line (HWL). The existing lot is nonconforming to R-1 dimensional standards which require a lot be at least 50' wide and 5,000 square feet. The Property is located in a FEMA flood zone and would be required to meet the FEMA flood regulations. It is also located in a CAMA Area of Environmental Concern and would need to meet all CAMA regulations due to it's close proximity to estuarine waters.

### **CURRENT UDO REGULATIONS:**

	R-1 Zoning District Requirements
Front Setback	10'
Rear Setback	10'
Side Setback	7.5'
Lot Coverage	40%
Impervious Surface	65%

If the applicant utilized the minimum setbacks to build a new structure to meet the ordinance, the maximum size the structure could be is 10' wide x 51.5' long. Meeting all setbacks would leave the applicant with a maximum footprint of 515 square feet. The 40% lot coverage would allow up to 628.4 square feet of building (but this is more limited by the required setbacks), and the 65% maximum impervious coverage would allow up to 1,021.15 square feet of coverage. See Attachment 4.

### **PROPOSAL:**

The applicant would like to build a new single-family home that would meet all flood, parking, building code, and CAMA requirements. A 3-bedroom 3-story home on pilings is proposed. The proposed structure would be approximately 19' x 51' (See Attachment 3). Three parking spaces are required and will be provided underneath and in front of the home. The structure is within the AE11 flood zone. All living space in the new structure must be elevated  $11+2'=13'$  Design Floor Elevation. The maximum height limit in R-1 is 50'. The proposed structure will be approximately 42 ft tall. The HVAC & Utilities will be placed on the rear of the house and will meet the required setbacks. CAMA will require an engineered stormwater system that captures 100% of the impervious surface runoff. The Applicant does not have this system engineered yet, but town staff will require it for the building permit application.

#### *Setbacks:*

The proposed structure meets the 10' front and 10' rear building setbacks from the front and rear property lines as required by Town Ordinance. CAMA would allow the building be built up to the bulkhead. The applicant proposes a variance to encroach into the side setbacks. These side setbacks are required by Town ordinance to be 7.5'. The applicant proposes 3.0' side setback on both sides of the building to the side property lines (See Attachment 2).

#### *Lot Coverage:*

The Town Ordinance requires no more than 40% of the lot to be covered by the footprint of the building, elevated decks, covered decks, and staircases. Since the buildable area of the lot is 1,571 square feet, 40% of this area would be 628.4 square feet. The applicant is requesting a variance to the 40% allowed lot coverage. They propose a lot coverage amount of 59.3% (932 sf).

#### *Impervious Surface:*

The Town Ordinance requires the impervious surface on a lot to be limited to 65% coverage. This would allow only up to 1,021.15 sf to be covered by impervious surface. The applicant is requesting a variance to the impervious surface limit to allow a total impervious surface limit of up to 77.6% (1,219 sf).

	R-1 Zoning District Requirements	Proposed for 817 Canal
Front Setback	10'	10'
Rear Setback	10'	Building to Bulkhead
Side Setback	7.5'	3.0'
Lot Coverage	40%	59.3%
Impervious Surface	65%	77.6%

To resolve the situation the applicant requests the following variances:

- A 4.5' variance to the required 7.5' side setbacks
- A 19% increase in maximum lot coverage
- And up to a 12.6% increase in maximum impervious coverage.

#### **REQUIRED FINDINGS:**

When unnecessary hardships result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

#### **CONDITIONS:**

In granting any variance, the Board may prescribe reasonable and appropriate conditions and safeguards, in conformity with this ordinance. Violation of any such conditions or safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the UDO.

**ATTACHMENTS:**

1. Application
2. Site Plan
3. House Plans
4. Allowable Buildable Footprint