



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Community Development

MEETING: Board of Adjustment – 5/19/2026

SUBJECT: Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Table 3.5 Setback Exceptions for cantilevered architecture, & Table 3.7 Off-Street Parking Dimensions for parking dimension size.

Applicant: Ryan Michiels

BACKGROUND:

The applicant is requesting three variances from Article 3 of the UDO to the side setbacks for a staircase, to the cantilever size requirements, and the parking size requirements (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%
Cantilever Size	No more than 25% per side of the building
Parking Size	9'x18'

PROPOSAL:

The applicant would like to build a new single-family home that would meet all flood, building code, and CAMA requirements. The house is proposed to be no more than 2 bedrooms, requiring two parking spaces underneath and in front of the home. The structure is within the AE-11 flood zone and must be elevated. The maximum height limit in R-1 is 50'. The roof overhang is proposed to be no more than 6". The HVAC & Utilities are proposed to be placed on the left side of the house and will meet the required ordinance 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.

Side Setback:

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 located up to the bulkhead. The applicant proposes a variance to encroach into the right side 7.5' setback. The applicant proposes 4.5' side setback to the staircase servicing the front of the building only. The remaining house will meet all front, rear, & side setbacks. (See Attachment 2).

Cantilever Size:

The Town Ordinance allows cantilevered architecture to encroach into the building setbacks if the cantilevers are cumulatively not more than 25% per side of the building. The applicant is proposing two cantilevers; one on each side of the house that are proposed to be 12.5' wide and encroach into the setback 2.5'. The building length is 45' so a cantilever of 11.25' wide is permitted on each side of the house. This is the maximum allowed based on the width of the side of the building the cantilever is located. The applicant is proposing a variance to allow the cantilevers to be larger than allowed by ordinance. The applicant proposes 12.5', which is 1.25' and 2.7% larger than the UDO permitted size of the cantilever (See Attachment 2).

Parking Dimension:

The Town Ordinance requires parking spaces be 9'x18'. Due to the width of the lot, the building can only be 10' wide. The home is required to be elevated to meet flood so it will be built on pilings. These pilings will reduce the width under the home further and a 9'x18' space could not fit. The applicant is requesting the width of the parking space be reduced to 8.5'. For reference, compact car parking spaces in the UDO can be 8.5'x18'.

	R-1 Zoning District Requirements	Proposed for 817 Canal
Front Setback	10'	10'
Rear Setback	Per CAMA Up to the Bulkhead	3' from Bulkhead
Side Setback	7.5'	4.5' *for the staircase only*
Lot Coverage	40%	35.46%
Impervious Surface	65%	51.05%
Cantilever Size	25%	27.78%
Parking Size	9'x18'	8.5'x18' – *Compact Car Size*

In Summary, the applicant requests the following variances:

- A 3' variance to the required 7.5' side setbacks for the front staircase only
- A 2.7% increase in cantilever size
- And a 8.5' wide parking space under the house

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.

Staff has reviewed the plans at TRC, and if approved, staff suggest the following condition:

- The staircase encroaching into the building setback shall be made of a non-combustible material and constructed of a minimum 2x lumber material.

ATTACHMENTS:

1. Application
2. Site Plan