

## Staff Report

**Subject:** Variance (Fourth District)  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** June 7, 2022  
**Item Description:** **Gary Ferrell** requests a **variance** from section 3.3 to reduce required accessory building setbacks, allowing for a replacement accessory structure. Located at 1129 Ralph Rahn Road, zoned **R-1. Map# 391B Parcel# 2**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from section 3.3 to reduce required setbacks, allowing for a replacement accessory structure, 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.*

- The applicant purchased a property with an existing accessory structure, which he replaced. A new slab was poured, in line with the driveway. He was unaware of the building permit requirement for a building over 200 sf. Other properties nearby feature accessory buildings close to the property boundaries.
- The accessory structure is approximately 5 ½' from the side property line and therefore does not meet the minimum side setback of 10', pursuant to *Section 3.3 Accessory Structures in Residential Districts*.
- The location of the existing home and septic drainfield eliminate the option of placing the structure elsewhere in the side or rear yard.
- The applicant is working with Development Services staff to meet plan review requirements for a building permit for the accessory building.
- At the April 18 Planning Board meeting, Brad Smith made a motion to **approve** the request for a variance from *section 3.3* to reduce required setbacks, with the following condition:
  - Meet all requirements for building permit approval.
- The motion was seconded by Peter Higgins, and carried by a 4/1 vote.
- At the May 3, 2022 meeting, the Board tabled this item to June 7, 2022, pending a meeting between the applicant and staff to discuss a drainage plan.

### Alternatives

**1. Approve** the request for a **variance** to reduce required setbacks, allowing for a replacement accessory structure, with condition:

- Meet all requirements for building permit approval.

**2. Deny** the request for a variance to reduce required setbacks, allowing for a replacement accessory structure.

**Recommended Alternative:** 1

**Other Alternatives:** 2

**Department Review:** Development Services  
**Attachments:** 1. Variance application  
2. Ownership Certification

**FUNDING:** N/A  
3. Deed  
4. Aerial photography