

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 3, 2023
Item Description: **Sean Carter** as Agent for **Frances Nix Jefferson** requests a variance from Article V, Section 5.1 to reduce rear building setbacks, allowing for a home addition. Located at 199 5th Street, zoned AR-1. [Map# 422A Parcel# 85]

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from Article V, Section 5.1 to reduce rear building setbacks, allowing for a home addition.

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.*
- Appendix C – Zoning Ordinance, Article V – General Provisions, Section 5.1, the minimum rear setback for a primary structure in the AR-1 zoning district is 50’.
- The current dwelling is non-conforming to 3 of 4 setbacks, including the rear, which measures 32.84’.
- The applicant is in the process of a remodel. Upon the plot plan review during processing of the permit application, it was discovered that the addition of a master bedroom closet reduces the rear setback to 25.84’.
- The applicant reports that the home is unlivable in its current state and wishes to resume work so the homeowner may return.
- At the September 12, 2023 Planning Board meeting, Alan Zipperer made a motion for approval.
- The motion was seconded by Peter Higgins, and carried unanimously.

Alternatives

1. Approve the request for a **variance**.

2. Deny the request for a **variance**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Variance application	3. Site Plan	5. Deed
2. Ownership certificate/authorization	4. Aerial photograph	