

## Staff Report

**Subject:** Variance (First District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** June 6, 2023  
**Item Description:** **Dennis Jones** requests a **variance** from Section 3.3.1(b) which requires a 5' building setback from the side property line, to allow for the placement of an accessory structure. Located at 121 Royal Oak Drive, zoned **R-1**. **[Map# 352A Parcel# 47]**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from Section 3.3.1(b) which requires a 5' building setback from the side property line, to allow for the placement of an 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.*
- Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.3.1(b), an accessory structure in the R-1 zoning district *shall not be less than five feet from the rear property line and not less than five feet from interior side setback lines*
- The applicant requests to erect a 30' x 40' workshop approximately 3' from the side property line.
- The applicant states that the adjacent property owner is amenable to this placement.
- There are no ordinance restrictions that restrict accessory structures based on square footage.
- The location of existing structures, including the applicant's drain field, prohibit an alternate site.
- At the May 9, 2023 Planning Board meeting, Ryan Thompson made a motion for approval, with the following conditions:
  1. The accessory structure must, in all other ways, conform to Section 3.3 – Accessory structures in residential districts.
  2. The proposed workshop shall be reviewed and permitted with Development Services prior to erection.
- The motion was seconded by Alan Zipperer, and carried unanimously.

### Alternatives

1. **Approve** the request for a **variance** from section Section 3.3.1(b) with the following conditions:
  1. The accessory structure must, in all other ways, conform to Section 3.3 – Accessory structures in residential districts.
  2. The proposed workshop shall be reviewed and permitted with Development Services prior to erection.
2. **Deny** the request for a **variance** from section Section 3.3.1(b).

**Recommended Alternative: 1**

**Department Review:** Development Services

**Attachments:**

1. Variance application
2. Ownership certificate/authorization

**Other Alternatives: 2**

**FUNDING:** N/A

3. Site Plan
4. Aerial photograph
5. Deed