

## Staff Report

**Subject:** Variance (Fourth District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** June 6, 2023  
**Item Description:** **Anita M. Bruce** requests a **variance** from Sections 5.1.1 and 5.1.2.5, to allow for the placement of a third dwelling. Located at 255 Clyde Road, zoned **AR-1**. **[Map# 390 Parcel# 8D]**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from section 5.1.1 and 5.1.2.5, required building setbacks, to allow for the placement of a mobile home, 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 V- Uses permitted in districts, Section 5.1.1 states that the AR-1 zoning district allows *one dwelling for each five acres of land or more under the same ownership*. Section 5.1.2.5 allows for an additional dwelling for an immediate family member.
- There are currently two mobile homes on the property. The applicant states that one mobile home is disconnected from all utilities and serves in a storage building capacity.
- Article X – Interpretation and validity, Article III – Dwellings in residential zone, Section 2.3.2 states that mobile homes may not be used as a storage facility. Therefore, the existing second dwelling must be considered as such: a dwelling.
- The applicant wishes to place a dwelling to live on her mother’s property, to care for her mother without living with her.
- At the May 9, 2023 Planning Board meeting, Brad Smith made a motion for approval, with the following conditions:
  1. The applicant shall remove the uninhabitable mobile home within a practical amount of time, in compliance with sections 2.3.1 and 2.3.2 of Appendix C, Article X, Article III.
- The motion was seconded by Peter Higgins, and carried unanimously.

### Alternatives

1. **Approve** the request for a **variance** from sections 5.1.1 and 5.1.2.5 with the following conditions:
  1. The applicant shall remove the uninhabitable mobile home within a practical amount of time, in compliance with sections 2.3.1 and 2.3.2 of Appendix C, Article X, Article III.
2. **Deny** the request for a **variance** from sections 5.1.1 and 5.1.2.5

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Variance application

3. Site Plan 5. Deed

4. Ownership certificate/authorization 4. Aerial photograph