

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: May 2, 2023
Item Description: **Rhonda E. Bartley** requests a **variance** from section 5.1.4, required building setbacks, to allow for the placement of a mobile home. Located at 485 Standard Lane, zoned **AR-1**. **Map# 366B Parcel# 29**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request **variance** from section 5.1.4, 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 5.1.4 requires interior side setbacks on an AR-1 lot be a minimum of 25’.
- The AR-1 parcel is non-conforming and, at .22 acres, far smaller than the 5 acres required for a conforming AR-1 lot.
- The total width of the lot is approximately 50’. This makes meeting prescribed side setbacks impossible.
- There has previously been a mobile home and septic system on site. Due to the fact that the applicant wishes to place a mobile home, and mobile homes are allowed only in AR zoning districts, rezoning to accommodate size is undesirable.
- Consultation with DPH indicates that the applicant will be able to place a 1-2 bedroom dwelling, provided public sewer is obtained.
- At the April 11, 2023 Planning Board meeting, Alan Zipperer made a motion to approve, with the following conditions:
 - The applicant must obtain a building permit, to include DPH approval, prior to placing the mobile home.
- The motion was seconded by Ryan Thompson, and carried unanimously.

Alternatives

- Approve** the request for a **variance** from section 5.1.4 with the following conditions:
 - The applicant must obtain a building permit, to include DPH approval, prior to placing the mobile home.
- Deny** the request for a **variance** from section 5.1.4

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

- Variance application
- Ownership certificate/authorization

- Site Plan
- Deed
- Aerial photograph