

Staff Report

Subject: Variance (First District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: December 3, 2024

Item Description: **Linda Hayes** requests a **variance** from ordinance Section 5.1.4 to allow for a reduction in required building setbacks. Located at 143 Church Hill Road. **[Map# 297B Parcel# 63A]**

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 requests a variance from ordinance Section 5.1.4 to allow for a reduction in required building setbacks.
- Initially, the applicant came in to get an electrical permit only for a storage building. After discussions, the applicant would like to make the building a secondary residence.
- This parcel is 1.01 acres located on Church Hill Road.
- The required setbacks in the AR-1 zoning district are as follows:
 - Front – 50'
 - Rear – 50'
 - Interior Side – 25'
 - Street Side – 50'
 - The distance from the primary home – 50'
- This variance will be for 11' in the front, 28' from the side, and 4' from the home.

Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance with the following conditions:

1. A Building Permit shall be obtained, and all regulations set forth by the International Building Code shall apply.
2. Submit engineered plans to the Building Official for review and approval, detailing existing conditions and required upgrades to meet the International Building Code.
3. The engineered plans must demonstrate the building's compliance with habitability standards.

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Variance Application 2. Aerial Photograph 3. Deed