

Staff Report

Subject: Variance (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 4, 2022
Item Description: **Carley & Tyler Dunn** request a **variance** from the required building setbacks, to allow for the replacement of a mobile home. Located at 100 Hagin Street, zoned **AR-1**. **Map# 296A Parcel# 44**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from the required building setbacks, to allow for the replacement of a dwelling, 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.*
- The applicant wishes to replace a mobile home, utilizing the existing dwelling site. The AR-1 zoned property is a non-conforming lot of .39 acres. The current mobile home is being demolished and removed from the site. The applicant wishes to place a new, slightly larger mobile home on the site. The current structure does not meet rear setback requirements. The replacement mobile home cannot move forward due to the location of the drainfield in the front yard.
- The lot is approximately 100' deep by 150' wide (variable). The AR-1 front and rear setback requirements are 50', which would allow no space for a residential structure.
- The proposed new mobile home is 30' deep X 60' wide. If placed parallel to Hagin Street, the mobile home will be ~15' from the rear property boundary.
- At the September 19, 2022 Planning Board meeting, Ryan Thompson made a motion to **approve** the request for a **variance** from the required building setbacks, with the following conditions:
 - Permitting of the mobile home and related private well and septic system must be approved by Development Services and Environmental Health before the new dwelling is placed on site.
 - The lot shall meet all other requirements of the AR-1 zoning district.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. Approve the request for a **variance** from the required rear building setbacks, to allow for the replacement of a dwelling, with the following conditions:

- Permitting of the mobile home and related private well and septic system must be approved by Development Services and Environmental Health before the new dwelling is placed on site.
- The lot shall meet all other requirements of the AR-1 zoning district.

2. Deny the request for a **variance** from the required building setbacks.

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