

Staff Report

Subject: Variance (Fourth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 4, 2022
Item Description: **Richard A. Neidlinger** requests a **variance** from the required rear building setback, to allow for the replacement of a dwelling. Located on Highway 119 South, zoned **AR-1. Map# 367 Parcel# 54**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from the required rear building setback, 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 previous structure was non-conforming.
- The AR-1 zoned property has extensive wetlands. Due to variable elevation/slope of the land, and the existing drainfield location, an alternate site with suitable soil is not available.
- AR-1 front and rear setback requirements are 50'.
- The proposed mobile home will be 15' from the rear property boundary
- At the September 19, 2022 Planning Board meeting, Brad Smith made a motion to **approve** the request for a **variance** from the required rear 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 Peter Higgins, and carried unanimously.

Alternatives

1. Approve the request for a **variance** from the required rear building setback, 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** to reduce required building setbacks.

Recommended Alternative: 1

Department Review: Development Services

Attachments:

- Variance application
- Ownership certificate/authorization

Other Alternatives: 2

FUNDING: N/A

Attachments:

- Site Plan
- Aerial photograph
- Deed