

## Staff Report

**Subject:** Variance (First District)  
**Author:** Chelsie Fernald, Planner II  
**Department:** Development Services  
**Meeting Date:** December 5, 2023

**Item Description:** **Aideth Zamorano Mateos** as Agent for **Noe Zamorano Mateos** requests a variance from ordinance section 5.1.4, to allow for a reduction in required building setbacks. Located at 132 Fourth Street. **[Map# 296A Parcel# 45]**

### Summary Recommendation

Staff and Planning Board have reviewed the application, and recommend **approval** of the request for a variance from ordinance Section 5.1.4, to allow for a reduction in required building setbacks.

### 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.*
- A mobile home is a permitted use in the AR-1 zoning district.
- The parcel is a non-conforming AR-1 lot. The new mobile home would not be able to achieve the building setbacks for AR-1; they are as follows:
  - Front setback: 50'
  - Back setback: 50'
  - Side setbacks: 25'
- The lot at 132 Fourth Street is approximately 81' x 117', and is a total of .17 acres.
- Due to the lot size, the mobile home will only be 40' from the front property line. The new proposed mobile home meets all setback requirements with the exception of the front setback.
- At the November 14, 2023 Planning Board meeting, Mr. Ryan Thompson made a motion for approval. Mr. Alan Zipperer second the motion, it carried unanimously.

### Alternatives

1. **Approve** the request for **variance**
2. **Deny** the request for **variance**

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:**

1. Variance application
2. Site Plan
3. Deed
4. Ownership certificate/ authorization
5. Aerial photograph