

Staff Report

Subject: Variance (Second District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: September 5, 2023
Item Description: **Betty J. New** requests a **variance** from Article III, Section 3.3.1(c), to allow for the placement of an accessory structure. Located at 202 Greene Drive, zoned **AR-1**. [Map# 465H Parcel# 42B]

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from Article III, Section 3.3.1(c), to allow for the placement of an accessory structure.

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.*
- Article III, Section 3.3.1(c) of Appendix C states that “An accessory structure shall not be less than ten feet from a principal structure”. The applicant is requesting reduction, to a 5-7 foot setback from the principal structure.
- The applicant wishes to erect a 40 x 17 pole barn to shelter a boat. The length of the structure allows for conformance to all building setbacks, except between the accessory structure and the dwelling.
- The property has a unique, angled shape, effectively bisecting what would otherwise be a sufficient rear yard to alter the orientation of the pole barn, allowing conformity.
- At the August 16, 2023 Planning Board meeting, Alan Zipperer made a motion for approval.
- The motion was seconded by Brad Smith and carried unanimously.

Alternatives

1. Approve the request for a **variance**.

2. Deny the request for a **variance**.

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	