

TO: Zoning Board of Adjustment  
FROM: Peter Stith, AICP, Planning Department  
DATE: August 12, 2020  
RE: Zoning Board of Adjustment August 18, 2020 Meeting

**NEW BUSINESS**

1. 421 Pleasant Street
2. 51 Park Street
3. 35 Mark Street
4. 171 Austin Street
5. 34 Rock Street
6. 353 Miller Avenue
7. 27 Rock Street
8. 307 Wibird Street
9. 245 Thaxter Road
10. 14 Alder Way



## NEW BUSINESS

1.

Petition of **Lockwood & Ingrid Barr, Owners, and James Martin, Applicant**, for property located at **421 Pleasant Street** wherein relief is needed from the Zoning Ordinance to replace existing 7' tall fence with new 6' tall fence which requires the following: 1) A Variance from Section 10.515.13 to allow a 6 foot tall fence within the front yard where a 4 foot tall fence is the maximum allowed. Said property is shown on Assessor Map 102 Lot 69 and lies within the General Residence B (GRB) District.

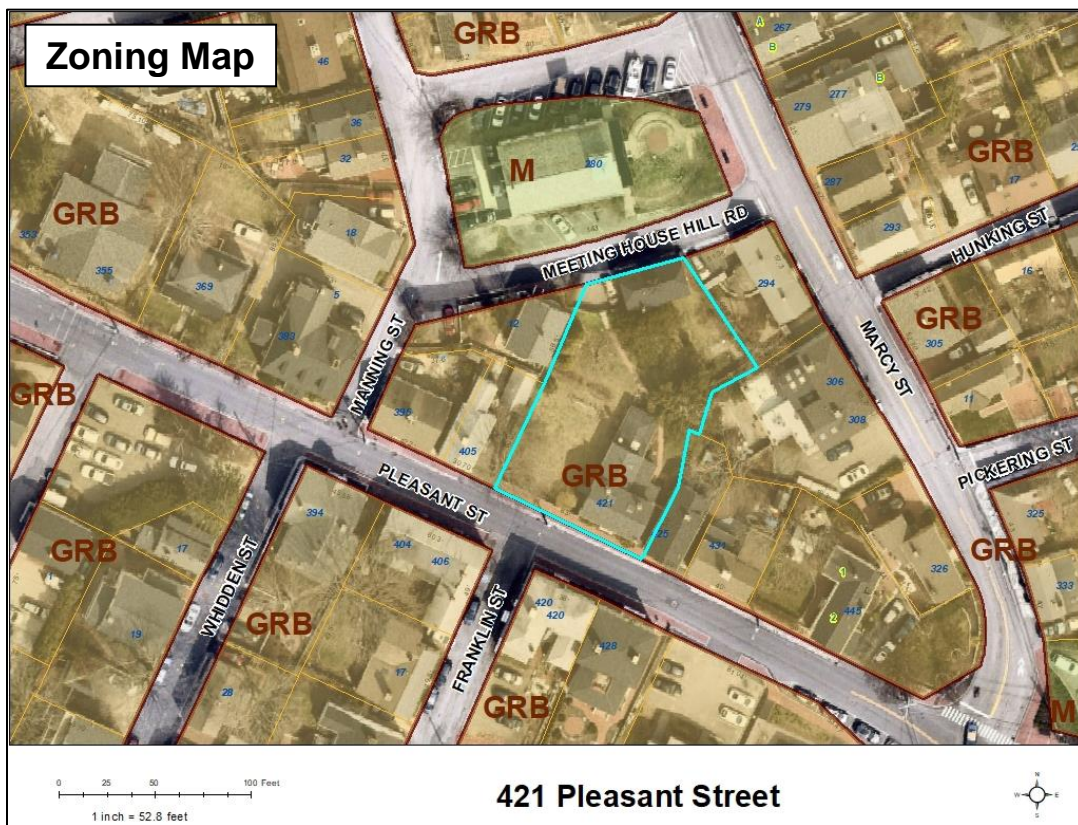
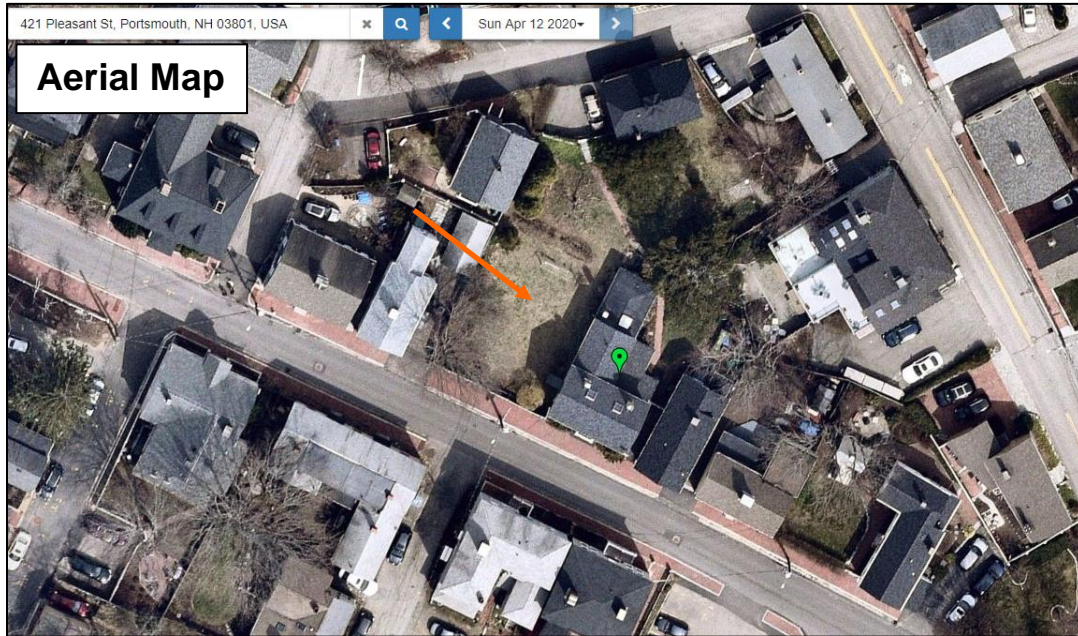
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	<b>6' fence in front yard</b>	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	11,761	11,761	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	11,761	11,761	5,000 min.
<u>Street Frontage (ft.):</u>	83	83	80 min.
<u>Lot depth (ft.):</u>	>60	>60	60 min.
<u>Primary Front Yard (ft.):</u>	5 (house)	~1.5 (fence)	5 min.
<u>Left Side Yard (ft.):</u>	0 (fence)	0 (fence)	10 min.
<u>Right Side Yard (ft.):</u>	3 (house)	3 (house)	10 min.
<u>Rear Yard (ft.):</u>	>60	>60	25 min.
<u>Height (ft.):</u>	7 (fence)	6 (fence)	35 max.
<u>Building Coverage (%):</u>	17	17	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1880	<b>Variance request shown in red.</b>	

### Other Permits/Approvals Required

HDC

## Neighborhood Context



### Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The applicant is proposing to replace an existing fence along the front and left side yard of the property. The existing front fence is 7 feet tall and the side yard fence is 6 feet tall. The Ordinance allows a 4' tall fence within the front yard, anything over that height must comply with the yard requirements for the district, which would be 5' in the GRB. The applicant is proposing to reduce the height of the existing front yard fence from 7 feet to 6 feet.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

*(a) The property has special conditions that distinguish it from other properties in the area.*

**AND**

*(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



2.

Petition of the **Olson-George Revocable Trust, Owner**, for property located at **51 Park Street** wherein relief is needed from the Zoning Ordinance to install an AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 2.5 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 148 Lot 47 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

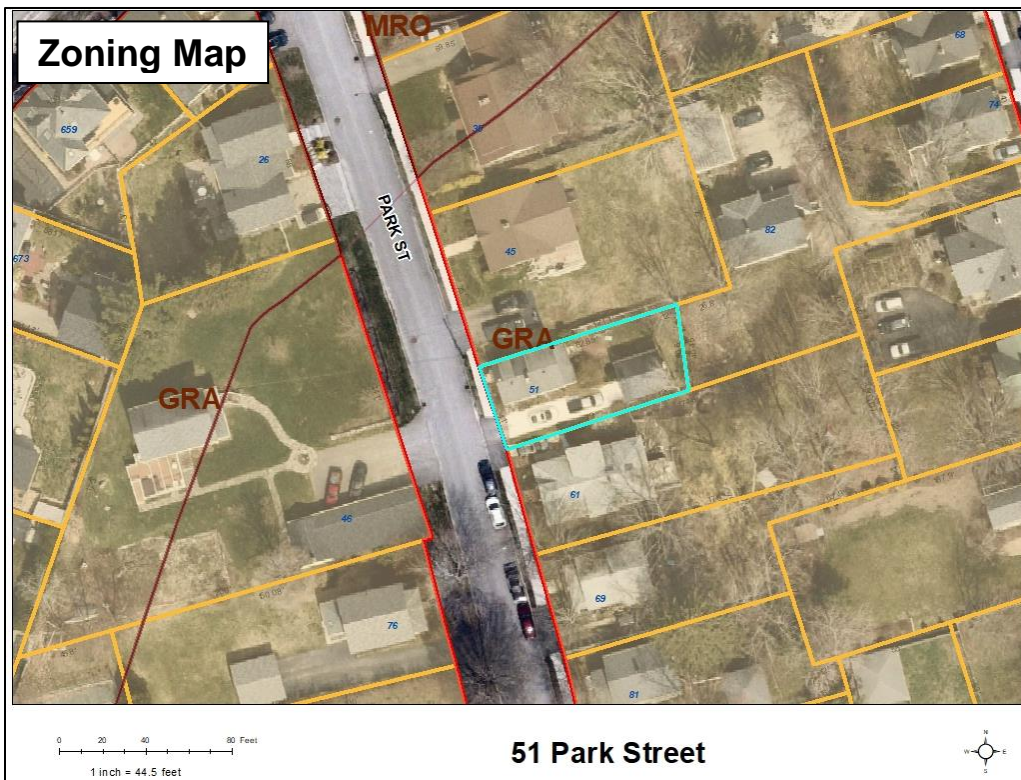
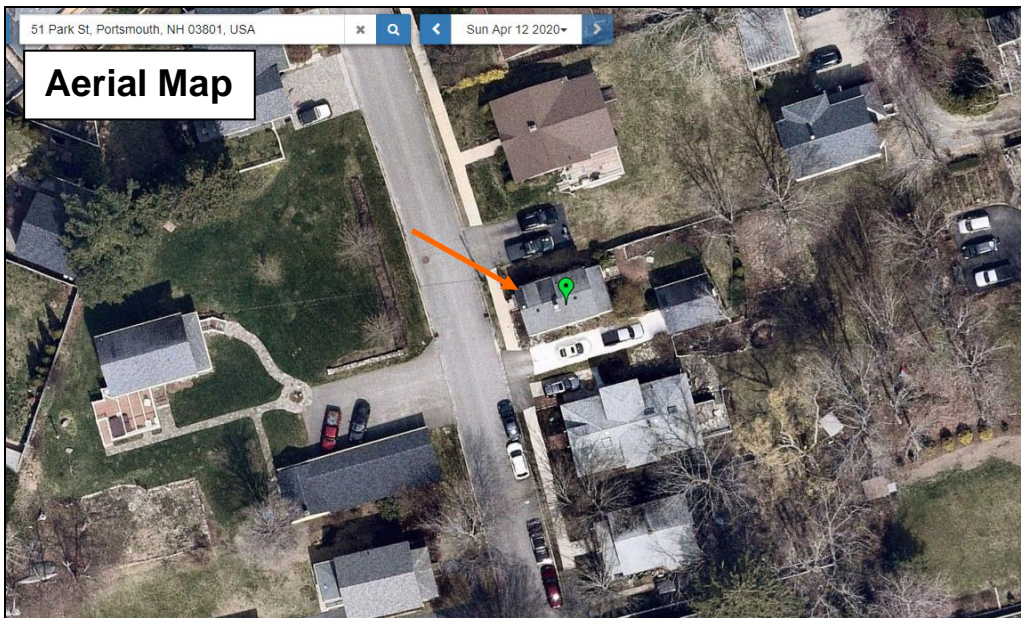
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Install AC Unit	Primarily residential
<u>Lot area (sq. ft.):</u>	3,920	3,920	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,920	3,920	7,500 min.
<u>Street Frontage (ft.):</u>	42	42	100 min.
<u>Lot depth (ft.):</u>	120	120	70 min.
<u>Primary Front Yard (ft.):</u>	5	5	15 min.
<u>Left Side Yard (ft.):</u>	5.6' (house)	<b>2.5</b> (AC Unit)	10 min.
<u>Right Side Yard (ft.):</u>	16	16	10 min.
<u>Rear Yard (ft.):</u>	50	50	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	29.5*	29.5*	25 max.
<u>Open Space Coverage (%):</u>	67	67	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1915	<b>Variance request shown in red.</b> *see history for prior variance for building coverage.	

**Other Permits/Approvals Required**

None.

**Neighborhood Context**





### Previous Board of Adjustment Actions

November 18, 2008 – The Board granted the following variances as presented and advertised:

Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 5'10" X 11'6" infill dormer with a 5' ± left side setback where 10' is the minimum required.



August 17, 1999 – The Board granted the following variance as presented and advertised:

To allow a new 1 ½ story garage to be reconstructed in the same location as the existing garage with: a) a 1.87' right side yard where 10' is the minimum required, and b) 29.5% building coverage where 25% is the maximum allowed.

### **Planning Department Comments**

The applicant is proposing to add an AC unit on the left side of the dwelling, 2.5' from the property line where 10' is required for mechanical units.

### **Review Criteria**

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

*(a) The property has special conditions that distinguish it from other properties in the area.*

**AND**

*(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



3.

Petition of **Jason & Katie Jenkins, Owners**, for property located at **35 Mark Street** wherein relief is needed from the Zoning Ordinance to install an HVAC unit as part of garage renovation which requires the following: 1) A Variance from Section 10.515.14 to allow a 4 foot setback where 10 feet is required. Said property is shown on Assessor Map 116 Lot 50 and lies within the Character District 4-L1 (CD4-L1) District.

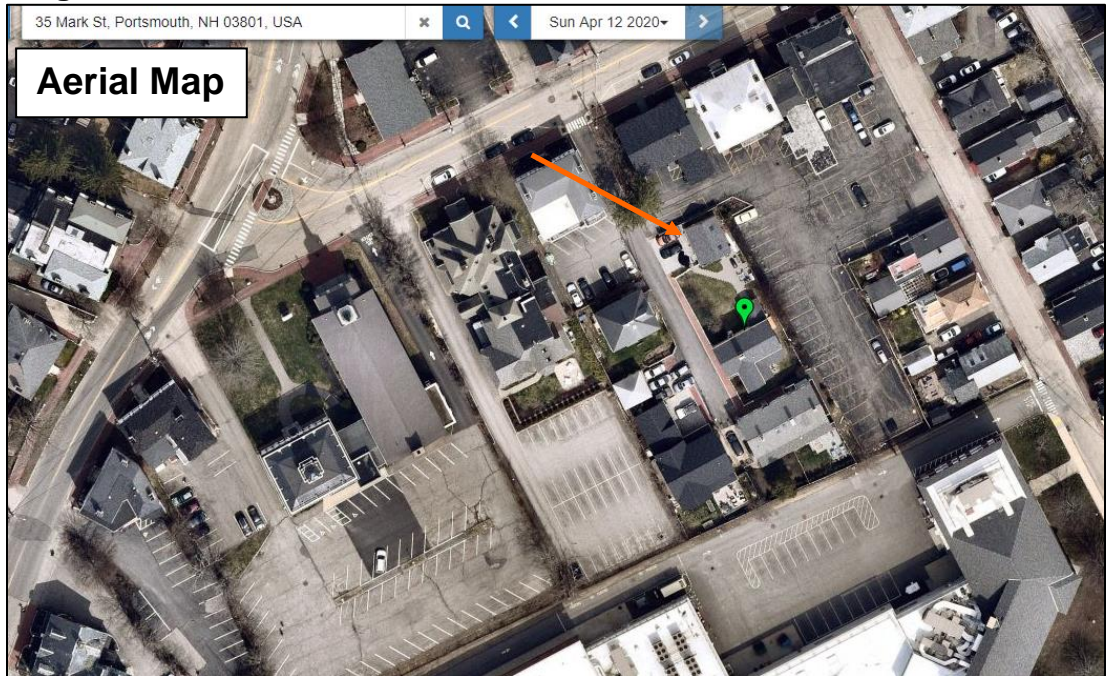
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct new single family	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,098	6,098	3,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,098	6,098	3,000 min.
<u>Primary Front Yard (ft.):</u>	0	0	15 max.
<u>Right Side Yard (ft.):</u>	8	8	5 – 20 max.
<u>Left Side Yard (ft.):</u>	4	4*	5 – 20 max.
<u>Rear Yard (ft.):</u>	4*	4 (HVAC unit)	Greater of 5 ft. from rear lot line or 10 ft. from center line of alley. 10 ft. for mechanical unit
<u>Building Coverage (%)</u> :	35	35	60 max.
<u>Open Space Coverage (%)</u> :	>25	>25	25 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1845	Variance requests shown in red. *prior variance	

**Other Permits/Approvals Required**

HDC

# Neighborhood Context



## Previous Board of Adjustment Actions

May 21, 2002 – The Board granted the following variances:

1. Article III, Section 10-303(A) and Article IV, Section 10-401(A)(2)(c) to allow a 12' X 14' two story addition with a 5.75' rear yard where 15' is the minimum required.
2. Article IV, Section 10-402(B) to allow a 22' X 26' 1 ½ story garage with the 4' rear yard and a 4' left side yard where 11.25' is the minimum required.

The request was amended to a one story addition rather than a two story addition.

## Planning Department Comments

The applicant is proposing to convert part of the existing garage into a home office and add an HVAC unit as part of the conversion. The history shows that the garage received variances in 2002 to allow a 4 foot side and rear yard. In 2002 this property was zoned MRO and had different dimensional requirements. The current zoning allows outbuildings to be 3 feet from the side and rear, so the upward expansion of the garage is permitted by right. The AC unit must still adhere to the setback requirement, thus the need for the variance.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*





4.

Petition of **Yeaton Flats, LLC, Owner**, for property located at **171 Austin Street** wherein relief is needed from the Zoning Ordinance to demolish existing three-story rear porch and construct new three-story porch which requires the following: 1) A Variance from Section 10.521 to allow a 7 foot right side yard where 10 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 145 Lot 92 and lies within the General Residence C (GRC) District.

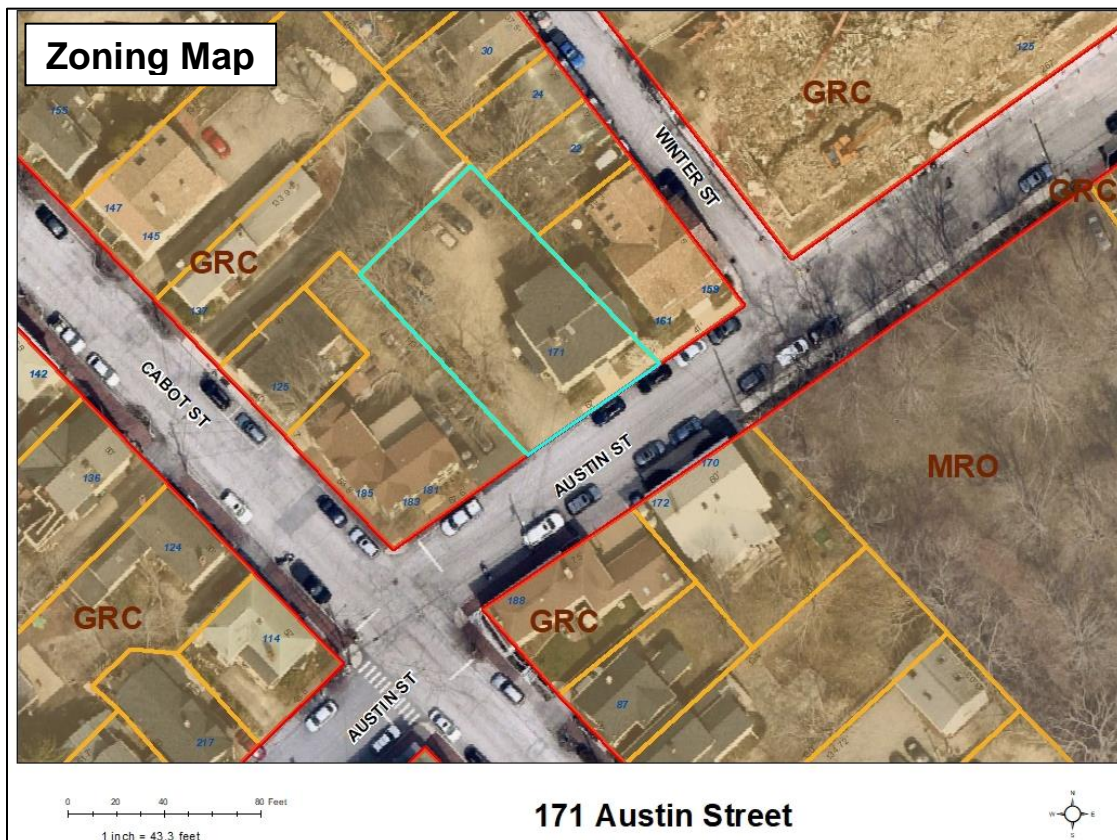
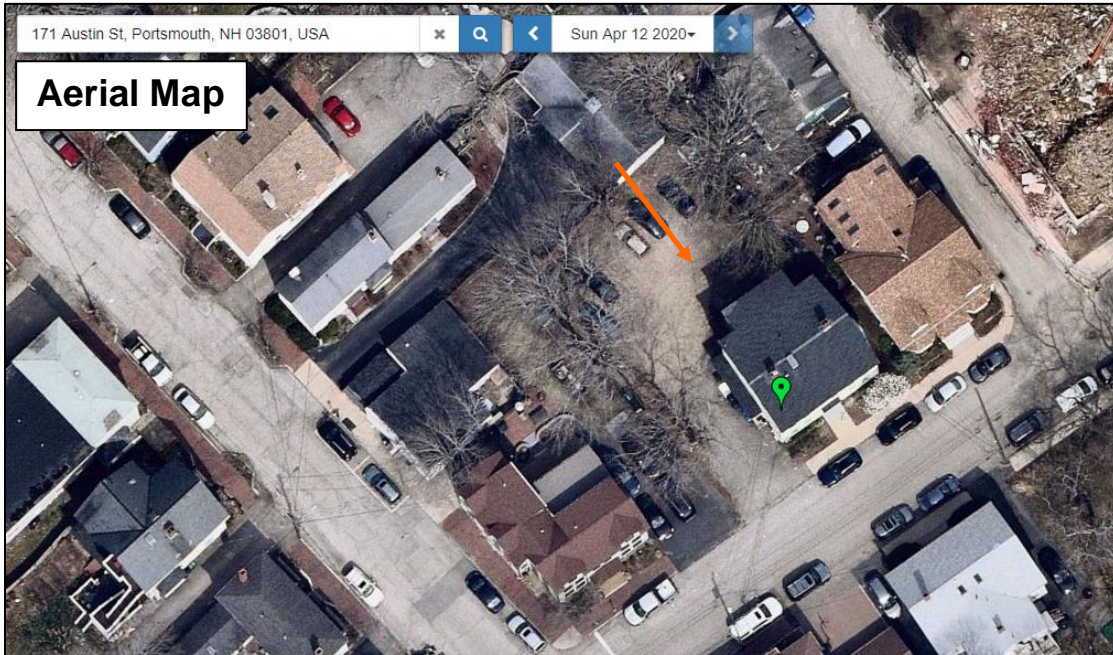
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	6 unit dwelling family	Demo rear porch/ Construct new rear porch	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,098	6,098	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,016	1,016	3,500 min.
<u>Street Frontage (ft.):</u>	67	67	70 min.
<u>Lot depth (ft.):</u>	71	71	50 min.
<u>Primary Front Yard (ft.):</u>	43	43	5 min.
<u>Right Side Yard (ft.):</u>	7	7	10 min.
<u>Left Side Yard (ft.):</u>	36.5'	30.5'	10 min.
<u>Rear Yard (ft.):</u>	59	57.5'	20 min.
<u>Height (ft.):</u>	29' (porch)	29' (porch)	35 max.
<u>Building Coverage (%):</u>	26	27	35 max.
<u>Open Space Coverage (%):</u>	30	29	20 min.
<u>Parking:</u>	8	8	6
<u>Estimated Age of Structure:</u>	1880	Variance requests shown in red.	

**Other Permits/Approvals Required**

None.

## Neighborhood Context



## Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The applicant is proposing to demolish the rear porch and construct a new, code compliant one that is slightly larger. The porch will provide a means of egress for the tenants and will maintain the existing alignment along the right side property line at 7 feet but be extended out an additional 1.5 feet. Because the proposed porch is more than the minimum required by code to provide egress, a variance is required.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*





5.

Petition of **Gregory & Elizabeth LaCamera, Owners**, for property located at **34 Rock Street** wherein relief is needed from the Zoning Ordinance to replace existing bulkhead with full height door access and attached shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2 foot right side yard where 10 feet is required; b) a 4 foot rear yard where 20 feet is required; and c) 59% building coverage where 35% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 138 Lot 18 and lies within the General Residence C (GRC) District.

**Existing & Proposed Conditions**

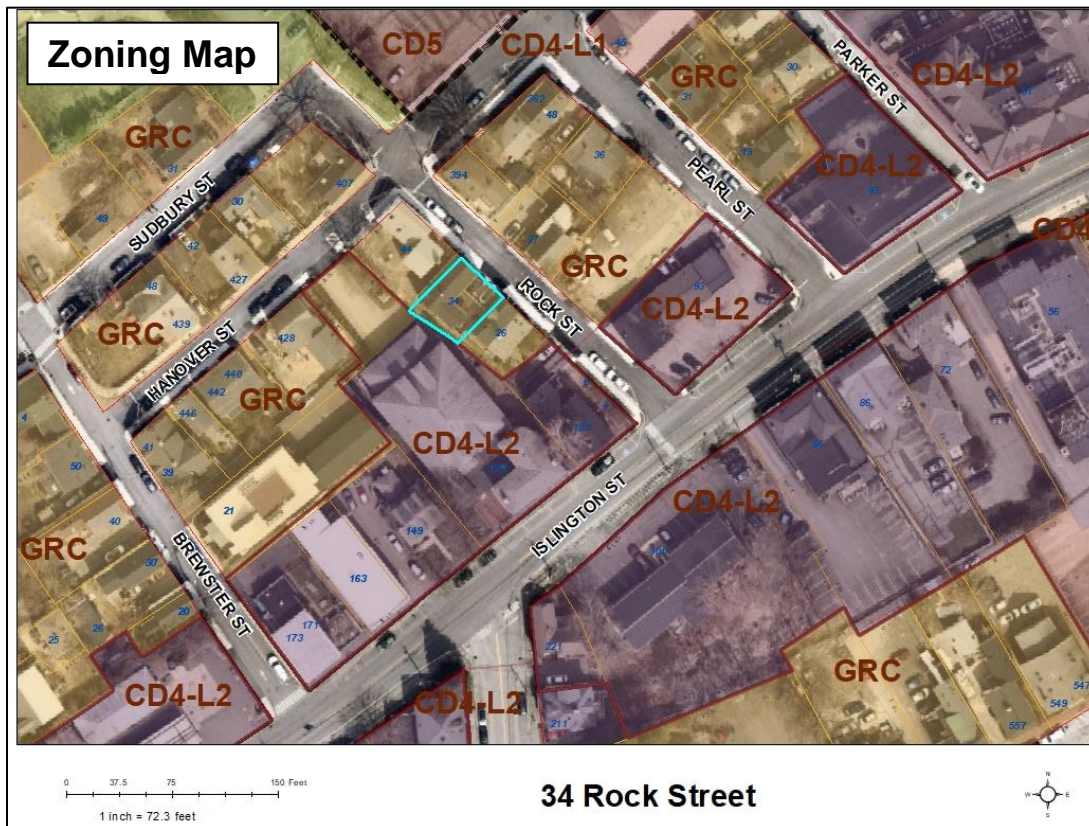
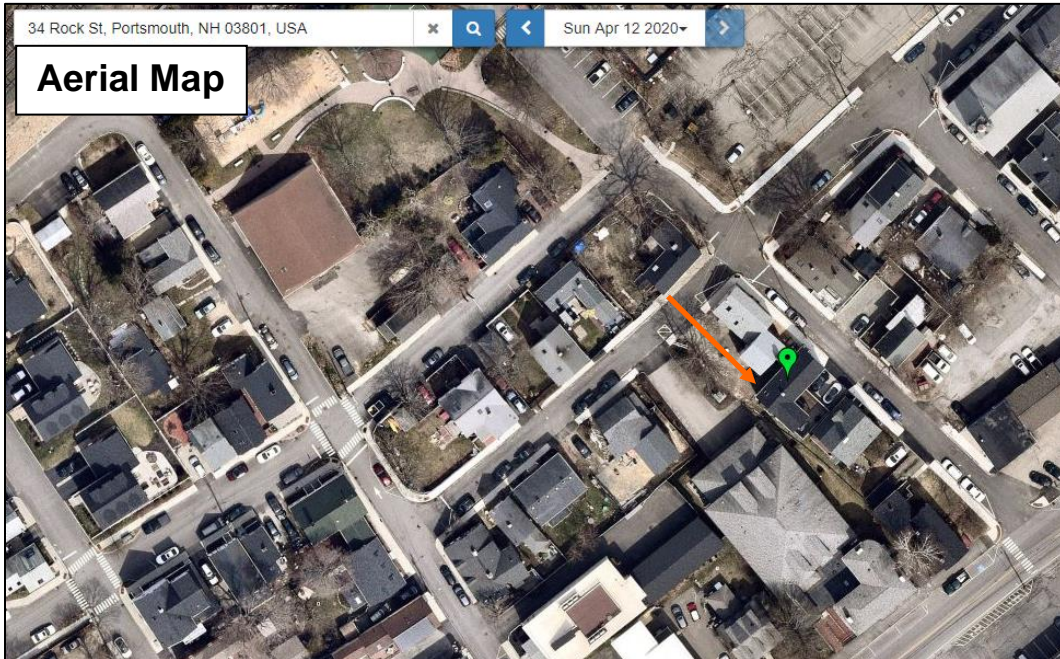
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct basement access and rear shed	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	1,742	1,742	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,742	1,742	3,500 min.
<u>Street Frontage (ft.):</u>	41.5'	41.5'	70 min.
<u>Lot depth (ft.):</u>	47.5'	47.5'	50 min.
<u>Primary Front Yard (ft.):</u>	0	0	5 min.
<u>Left Side Yard (ft.):</u>	8'5"	8'5"	10 min.
<u>Right Side Yard (ft.):</u>	1	<b>2</b>	10 min.
<u>Rear Yard (ft.):</u>	34"	<b>4</b>	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	57	<b>59</b>	35 max.
<u>Open Space Coverage (%):</u>	~29	~26	20 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	2016	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

September 27, 2016 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, enlarged or structurally altered except in conformity with the Ordinance.
2. Section 10.521 to allow the following: a) an 8'5" ± left side yard setback where 10' is required, b) a 2'10" ± rear yard setback where 20' is required, and c) 53.28% ± building coverage where 35% is the maximum allowed.

## Planning Department Comments

The applicant is proposing to replace the existing rear bulkhead with a full sized entry door access to the basement with a small shed attached. There appears to be no area on the lot that would accommodate a conforming addition or even an accessory structure without a variance due to the small size and shape of the lot.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

6.

Petition of **Jonathan & Amy Steinberg, Owners**, for property located at **353 Miller Avenue** wherein relief is needed from the Zoning Ordinance to replace 8' x 6' deck with new 12' x 10' deck which requires the following: 1) A Variance from Section 10.521 to allow 28.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 131 Lot 32 and lies within the General Residence A (GRA) District.

**Existing & Proposed Conditions**

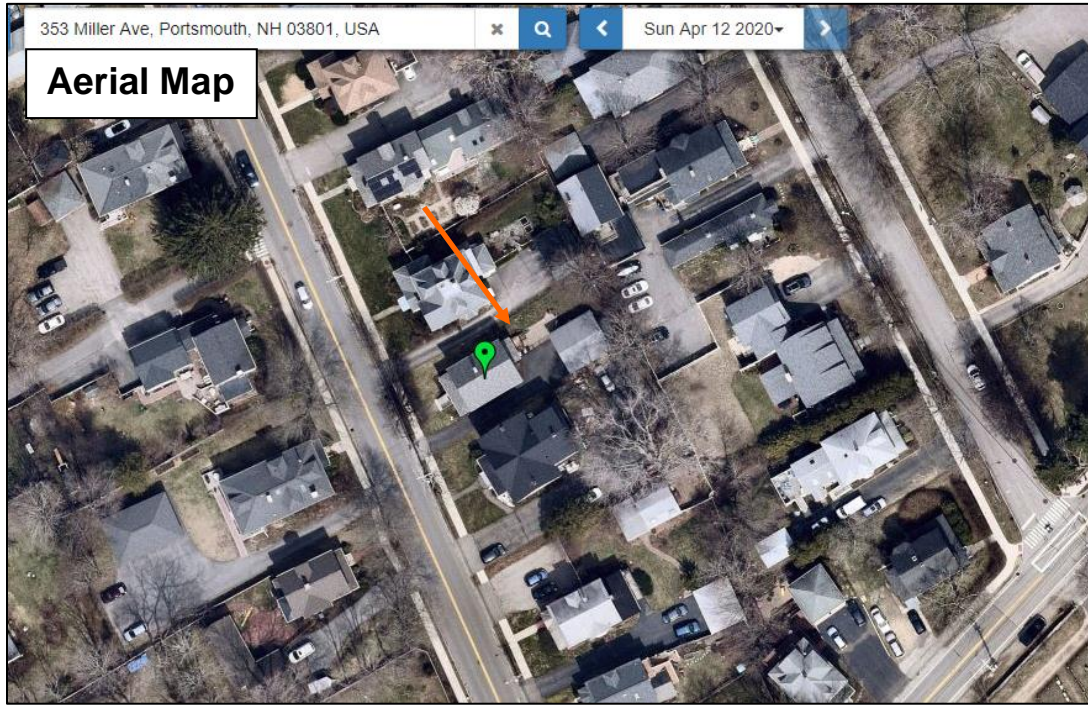
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct basement access and rear shed	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Lot depth (ft.):</u>	129	129	70 min.
<u>Primary Front Yard (ft.):</u>	17	17	15 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Right Side Yard (ft.):</u>	8	8	10 min.
<u>Rear Yard (ft.):</u>	63	63	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	<b>28.5</b>	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1908	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.



# Neighborhood Context



## Previous Board of Adjustment Actions

July 19, 2007 – The Board granted the following variance as presented and advertised: Article IV, Section 10-402(B) and Article III, Section 10-302(A) to allow a 24' X 26" one story garage with a) a 2' ± right side yard where 10' is the minimum required, and b) 26.6% ± building coverage where 25% is the maximum allowed.

June 18, 1991 – The Board granted the following variance as presented and advertised: Article III, Section 10-302 to permit a 12' X 14'9" addition to an existing garage with, a) a 2' right yard where a 10' right yard is required, and b) a lot coverage of 22.64% where a lot coverage of 20% is the maximum allowed.

## Planning Department Comments

The owner is proposing to replace the existing deck with a slightly larger deck, which will increase the building coverage to 28.5% where 25% is the maximum allowed. The new deck will maintain the 12 foot side yard and the enlargement will be towards the interior of the lot.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

(b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*



7.

Petition of the **Robin Huslage Revocable Living Trust, Owner**, for property located at **27 Rock Street** wherein relief is needed from the Zoning Ordinance for conversion of a single-family dwelling to a two family which requires the following: 1) A Special Exception from Section 10.440 #1.61 to allow the conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit, into 2 dwelling units where the use is allowed by special exception. Said property is shown on Assessor Map 138 Lot 2 and lies within the General Residence C (GRC) District.

**Existing & Proposed Conditions**

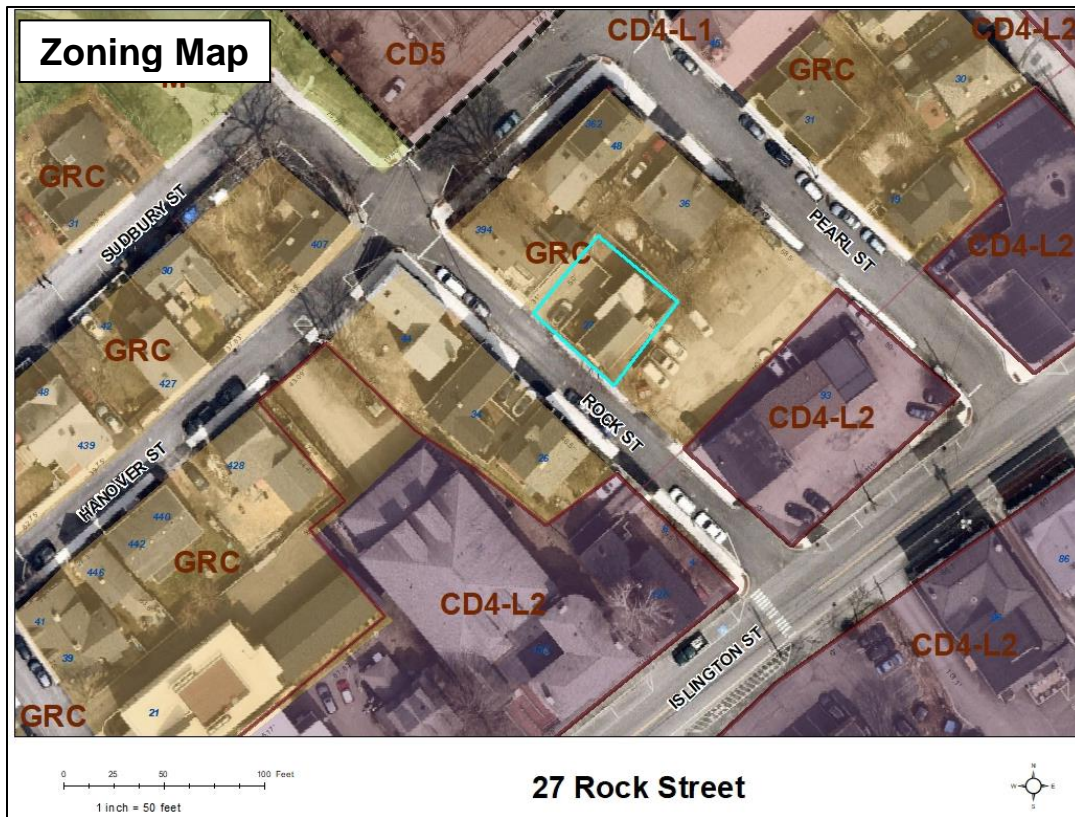
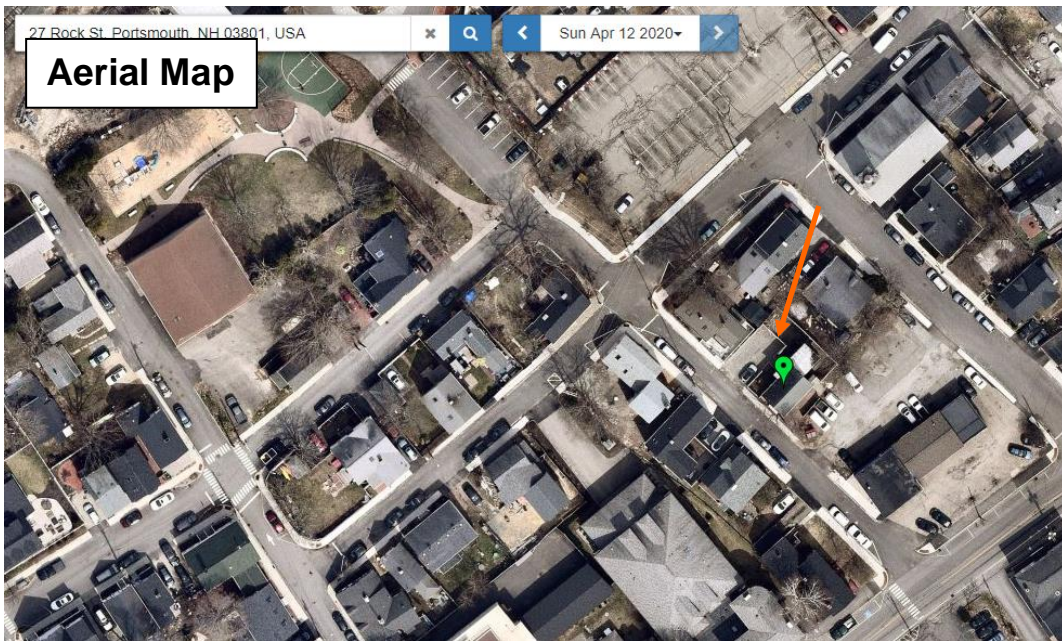
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	<b>Convert SFD to two family</b>	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	2,675	2,675	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,675	1,338	3,500 (1,000 per min.
<u>Street Frontage (ft.):</u>	54	54	70 min.
<u>Lot depth (ft.):</u>	51	51	50 min.
<u>Primary Front Yard (ft.):</u>	4	4	5 min.
<u>Left Side Yard (ft.):</u>	24	24	10 min.
<u>Right Side Yard (ft.):</u>	4	4	10 min.
<u>Rear Yard (ft.):</u>	3	3	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	27	35 max.
<u>Open Space Coverage (%):</u>	44	44	20 min.
<u>Parking:</u>	4	4	3
<u>Estimated Age of Structure:</u>	1860	<b>Special Exception request shown in red.</b>	

**Other Permits/Approvals Required**

None.

**Neighborhood Context**





### Previous Board of Adjustment Actions

No BOA history found.



## Planning Department Comments

The proposal is to convert the existing single family home into a duplex per Section 10.812 which allows for a pre-1980's home to be converted if it meets the requirements of the section below:

The conversion of a **dwelling** existing on January 1, 1980, to additional **dwelling** units as a permitted **use** or by special exception with less than the minimum required **lot area** per **dwelling unit** (per Section 10.440, use 1.50) shall comply with all the following requirements:

10.812.11 The conversion shall not include any change to the exterior of the **building** except for minimum egress components required for **Building Code** compliance.

10.812.12 The **lot** shall comply with the applicable minimum **open space** and maximum **building coverage** requirements in Article 5 and the **off-street parking** requirements in Article 11.

The Inspections Department may require a second means of egress for the upstairs unit that would be allowed under this section, but no other exterior changes would be allowed.

## Review Criteria

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

1. *Standards as provided by this Ordinance for the particular use permitted by special exception;*
2. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
3. *No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*
4. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
5. *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and*
6. *No significant increase of stormwater runoff onto adjacent property or streets.*



8.

Petition of **Christoph Wienands & April Guille, Owners**, for property located at **307 Wibird Street** wherein relief is needed from the Zoning Ordinance for installation of AC unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 7 foot left side yard where 10 feet is required. Said property is shown on Assessor Map 132 Lot 12 and lies within the General Residence A (GRA) District.

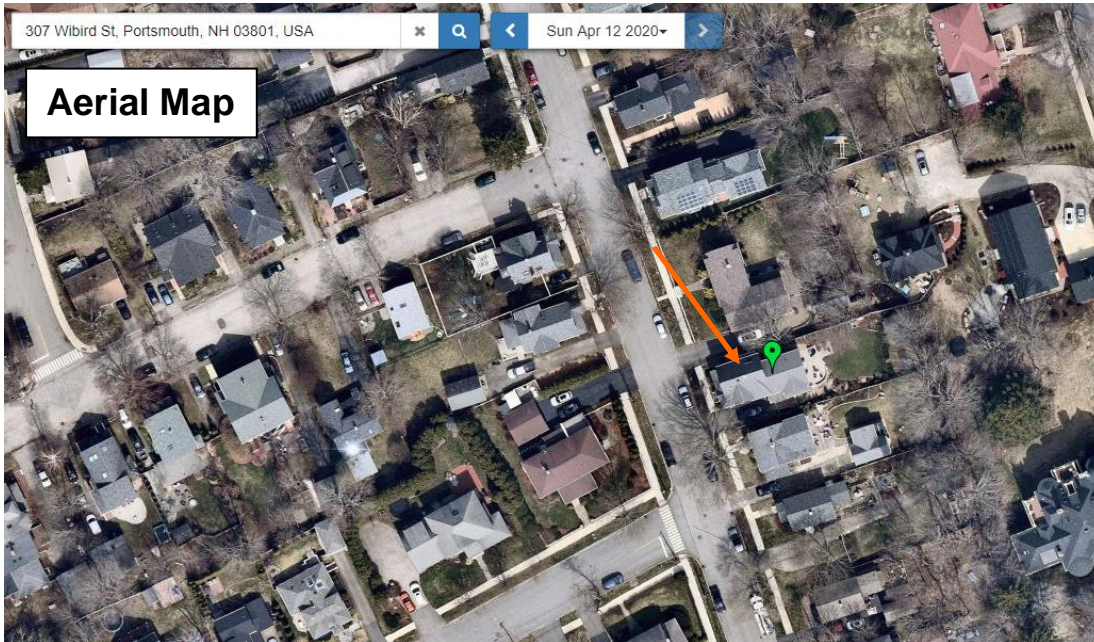
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Install AC Unit	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,534	6,534	7,500 min.
<u>Street Frontage (ft.):</u>	46	46	100 min.
<u>Lot depth (ft.):</u>	145	145	70 min.
<u>Primary Front Yard (ft.):</u>	2	2	15 min.
<u>Left Side Yard (ft.):</u>	<1	<b>7</b>	10 min.
<u>Right Side Yard (ft.):</u>	11	11	10 min.
<u>Rear Yard (ft.):</u>	91	91	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	26	26	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1908	<b>Variance requests shown in red.</b>	

**Other Permits/Approvals Required**

None.

# Neighborhood Context



## Previous Board of Adjustment Actions

March 18, 2014 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a lawful nonconforming building or structure to be extended or reconstructed without conforming to the requirements of the Ordinance.
2. Section 10.521 to allow the following: a) a left side yard of 9'5" ± where 10' is the minimum required, and b) building coverage of 26.3% ± where 18.1% ± exists and 25% is the maximum allowed.

April 21, 2009 – The Board granted the following variances as presented and advertised:

1. Article III, Section 10-302 and Article IV, Section 10-401(A)(2)(c) to allow the existing steps to be moved back to the original location and rebuild the steps 7'2" X 5'6" with a 0' ± front setback where 15' is the minimum required.

## Planning Department Comments

The applicant seeks to add an AC unit in the left side yard, 7 feet from the property line where 10 feet is required.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.***AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.***OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*





9.

Petition of **Andrew Lane, Owner**, for property located at **245 Thaxter Road** wherein relief is needed from the Zoning Ordinance to construct a 16' x 24' two-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 19.5 foot front yard where 30 feet is required; and b) 20.5% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a non-conforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 165 Lot 3 and lies within the Single Residence B (SRB) District.

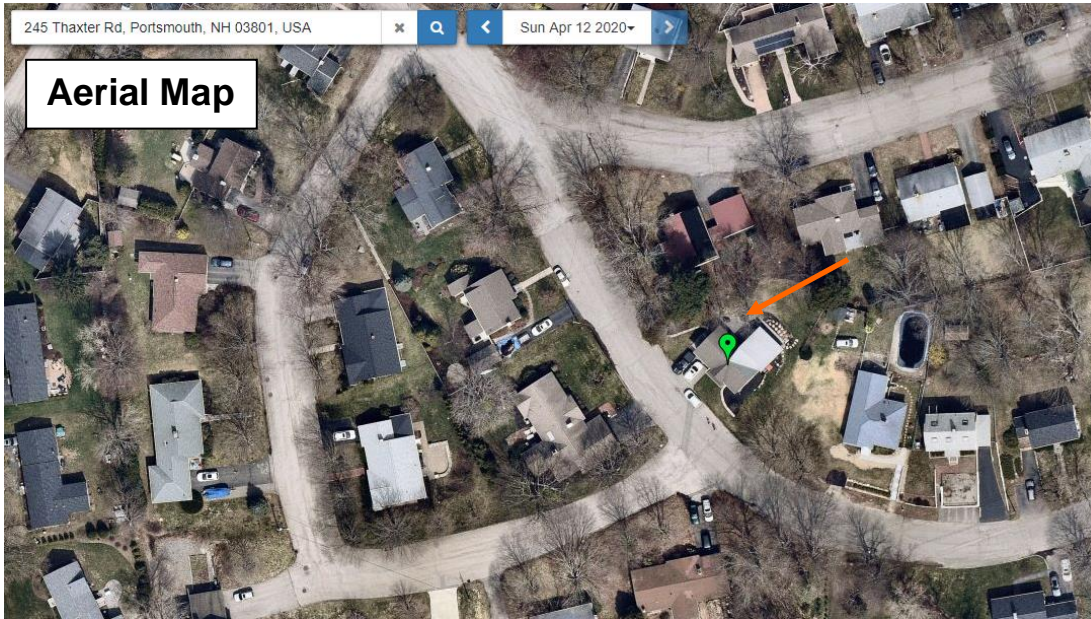
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Construct two-story addition	Primarily single family uses
<u>Lot area (sq. ft.):</u>	9,321	9,321	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,321	9,321	15,000 min.
<u>Street Frontage (ft.):</u>	110	110	100 min.
<u>Lot depth (ft.):</u>	115	115	100 min.
<u>Primary Front Yard (ft.):</u>	14'5"	<b>19.5'</b> (addition)	30 min.
<u>Right Side Yard (ft.):</u>	11	11	10 min.
<u>Left Side Yard (ft.):</u>	27	11	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	16	<b>20.5</b>	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1970/2016	<b>Variance request shown in red.</b>	

**Other Permits/Approvals Required**

None.

# Neighborhood Context



## Previous Board of Adjustment Actions

September 16, 2014 – The Board granted the following variances as presented and advertised:

1. Section 10.321 to allow a lawful nonconforming building to be added to or enlarged without conforming to the requirements of the Ordinance.
2. Section 10.521 to allow an 18' ± front yard setback where 30' is required.

## Planning Department Comments

The owner is proposing a left side addition to the existing home which will encroach into the front yard and increase the building coverage above the maximum allowed for the district. The existing house is 14'5" from the front property line and the proposed addition will be 19'10", however it was advertised as 19'6", which if approved, would account for any discrepancies and allow for a plus/minus range.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*





10.

Petition of the **Brown Family Revocable Trust, Owner**, for property located at **14 Alder Way** wherein relief is needed from the Zoning Ordinance to construct a 12' x 14' screen house which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot right side yard where 9.5 feet is required for an accessory structure; and b) 29% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 142 Lot 18 and lies within the General Residence A (GRA) District.

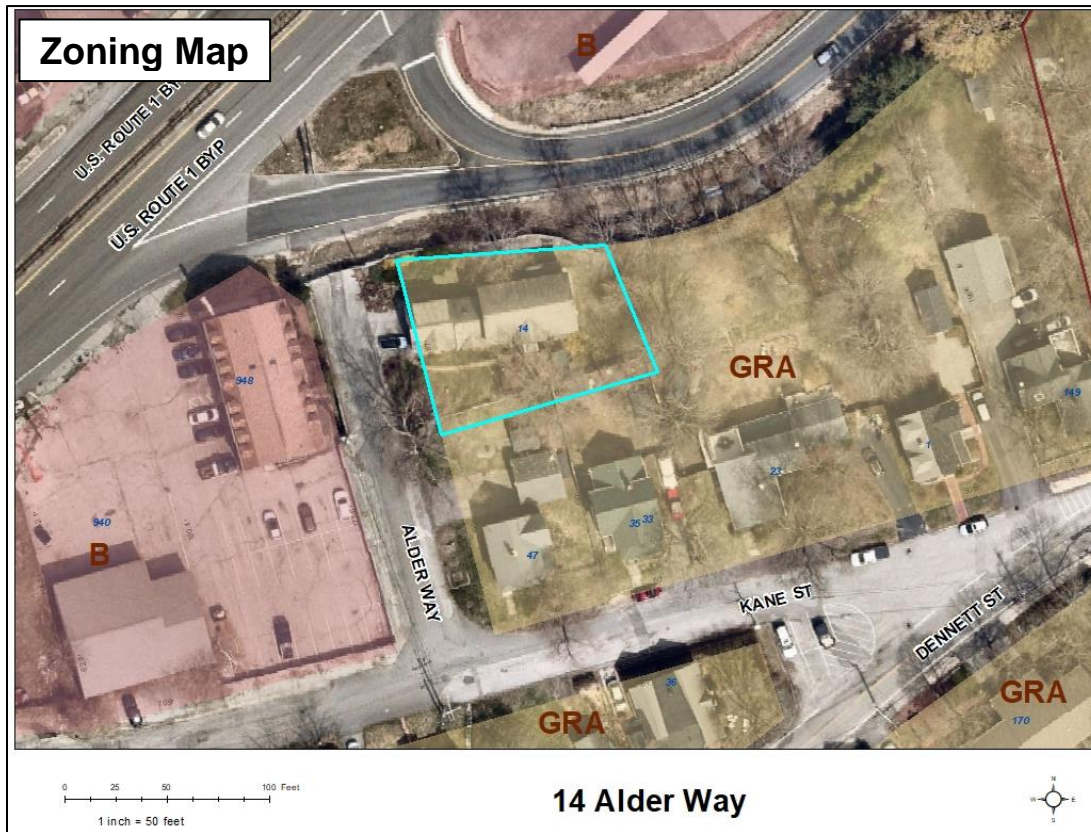
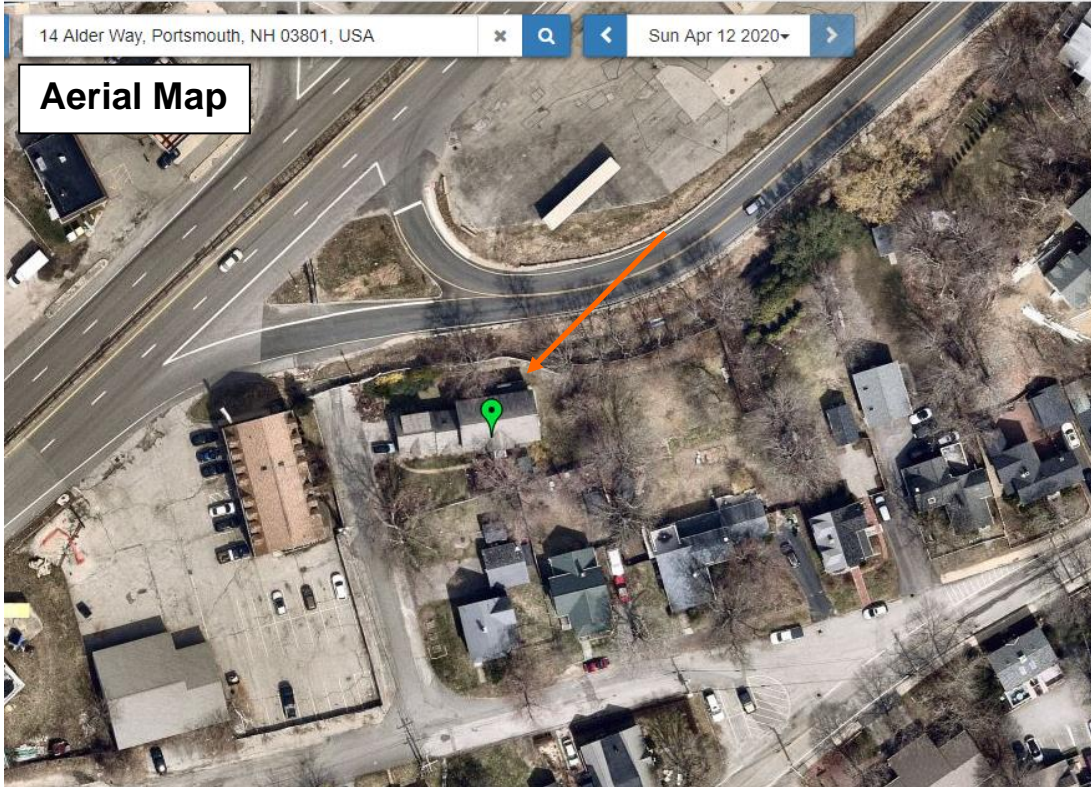
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Construct	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	8,276	8,276	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,276	8,276	7,500 min.
<u>Street Frontage (ft.):</u>	87	87	100 min.
<u>Lot depth (ft.):</u>	96	96	70 min.
<u>Primary Front Yard (ft.):</u>	0.7*	0.7*	15 min.
<u>Left Side Yard (ft.):</u>	10	10	10 min.
<u>Right Side Yard (ft.):</u>	24	<b>8</b>	10 (9.5' for structure) min.
<u>Rear Yard (ft.):</u>	22	22	20 min.
<u>Height (ft.):</u>	<35	9.5 (screen house)	35 max.
<u>Building Coverage (%):</u>	26	29	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	2006	<b>Variance requests shown in red.</b> *prior variance granted	

**Other Permits/Approvals Required**

None.

# Neighborhood Context



## Previous Board of Adjustment Actions

July 19, 2011 – The Board granted the following equitable waiver:

To allow a previously constructed 1 ½ story garage with a 0.7' ± front yard setback where 15' is required.

## Planning Department Comments

The applicant is proposing to construct a screened accessory structure on the property which will encroach into the right side yard and increase the building coverage to 29% where 25% is the maximum allowed. The property abuts Route 1 and the applicant has indicated the desire to locate the structure in the proposed location because of the noise associated from the traffic.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

### **AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

### **OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*