

TO: Zoning Board of Adjustment  
FROM: Peter Stith, AICP, Planning Department  
DATE: May 12, 2020  
RE: Zoning Board of Adjustment May 19, 2020 Meeting

## **NEW BUSINESS**

1. 20 Partridge Street
2. Lafayette Road
3. 379 New Castle Avenue
4. 185 Cottage Street
5. 99 Durgin Lane
6. 10 Fairview Drive
7. 138 Maplewood Avenue – Request to Postpone



## NEW BUSINESS

1.

Petition of **Robert Morin III Revocable Trust, Owner**, for property located at **20 Partridge Street** wherein relief is needed from the Zoning Ordinance for installation of a condenser unit which requires the following: A Variance from Section 10.515.14 to allow a 4.5' setback where 10' is required for a mechanical system. Said property is shown on Assessor Map 101 Lot 8 and lies within the General Residence B (GRB) District.

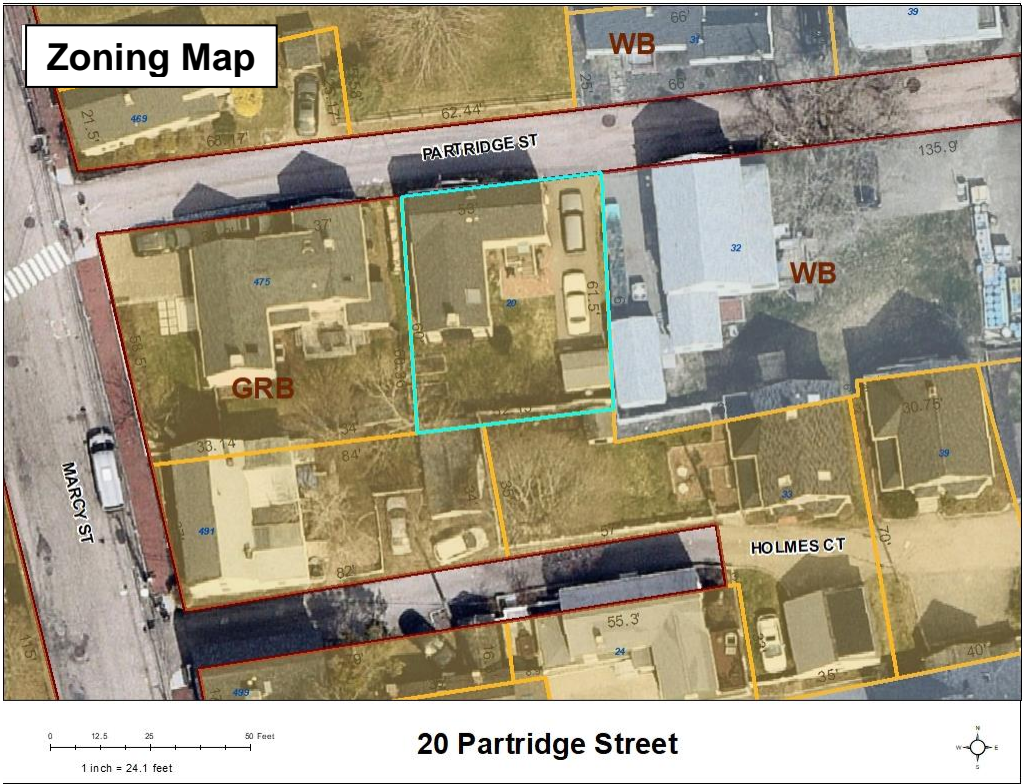
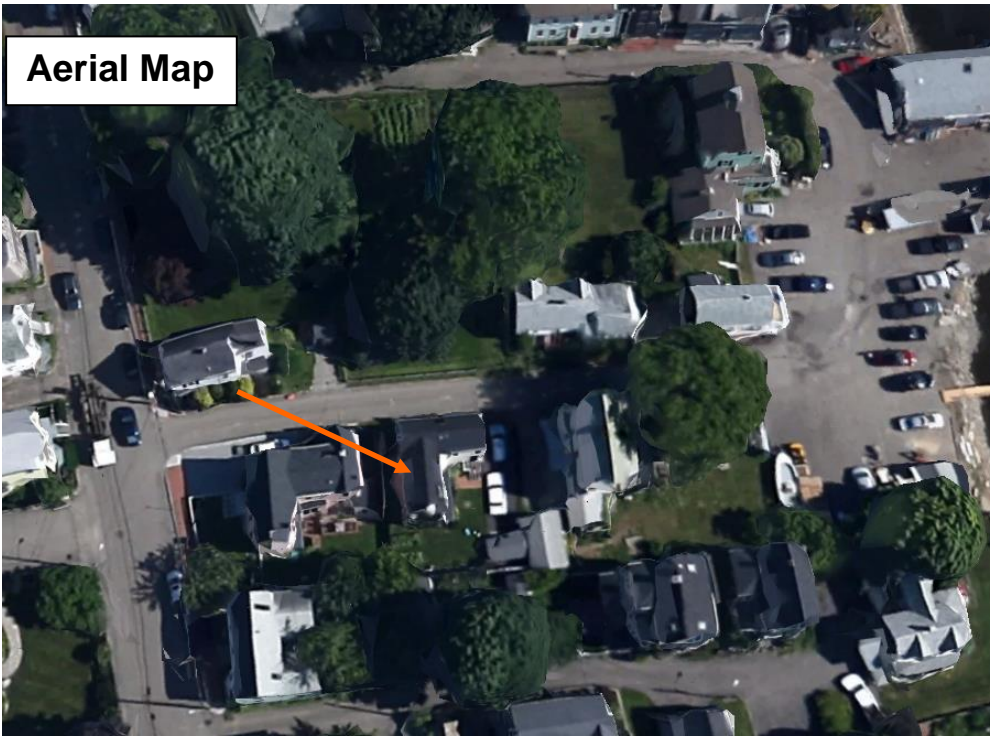
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family	Condenser unit	Primarily residential uses
<u>Lot area (sq. ft.):</u>	3,049	3,049	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,049	3,049	5,000 min.
<u>Street Frontage (ft.):</u>	53	53	80 min.
<u>Lot depth (ft.):</u>	60	60	60 min.
<u>Primary Front Yard (ft.):</u>	5	5	5 min.
<u>Left Side Yard (ft.):</u>	12	12	10 min.
<u>Right Side Yard (ft.):</u>	7	<b>4.5</b>	10 min.
<u>Rear Yard (ft.):</u>	18	18	25 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	<30	<30	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	ok	Ok	1.3
<u>Estimated Age of Structure:</u>	1850	<b>Variance request shown in red.</b>	

### Other Permits/Approvals Required

Historic District Commission

### Neighborhood Context



**Previous Board of Adjustment Actions**

September 28, 1993 – The Board granted variances as follows: 1) a Variance from Article III, Section 10-302 to allow the construction of a two-story 16.5' x 22' addition with: a) a 17.5' front yard where a 20' front yard is required; and, b) a 4' side yard were

a 20' side yard is required. And, 2) a Variance from Article IV, Section 10-401(5) to allow an expansion of an existing non-confirming single family dwelling in a district where dwellings are not allowed. These variance were granted as presented.

### **Planning Department Comments**

The applicant is seeking relief to allow placement of a condenser unit within the 10 foot setback. The applicant indicated a setback of 4'11", however the legal notice advertised a 4.5' setback which will account for any discrepancies and allow a plus/minus if the variance is granted.

### **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 **3201 Lafayette Road, LLC, Owner**, for property located on **Lafayette Road** wherein relief is needed from the Zoning Ordinance to establish a mobile home sales operation on the subject parcel which requires a Special Exception from Section 10.440 Use #11.30 where the use is only permitted by special exception. Appeal of an Administrative Decision of a Code Official in the application of Sections 10.5B83.10 and 10.1113.20 of the Ordinance. If the Appeal is not granted, the Variances necessary to grant the required relief is requested: 1) A Variance from Section 10.5B83.10 and Section 10.1113.20 to allow parking spaces to be located between a principal building and a street. Said property is shown on Assessor Map 291 Lot 8 and lies within the Gateway Neighborhood Corridor (G1) District.

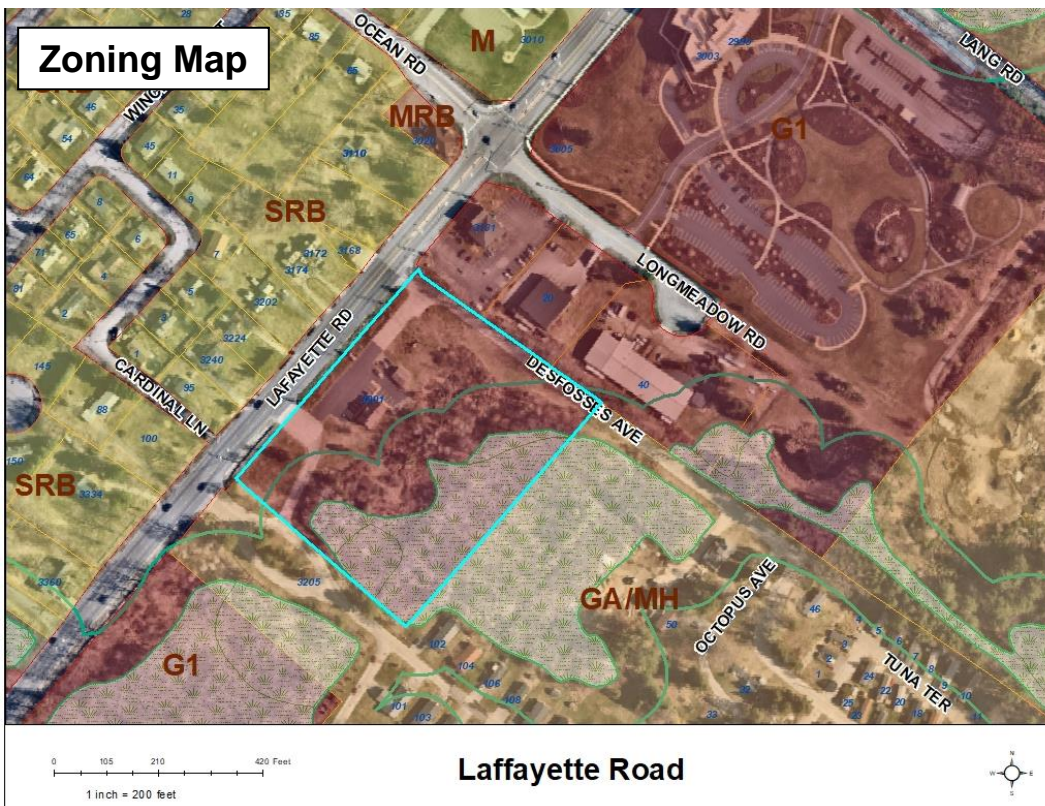
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Office	<b>Mobile home sales</b>	Primarily mixed uses
<u>Lot Area (sq. ft.):</u>	262,281	262,281	No Req. min.
<u>Setback from Lafayette Rd.(ft.):</u>	106	130 (mobile home office/units)	80' from CL or 30' from side line
<u>Parking</u>	16	21	20
		<b>Variance/Special Exception request shown in red.</b>	

**Other Permits/Approvals Required**

Planning Board/TAC – Site Plan Review

# Neighborhood Context





## Previous Board of Adjustment Actions

October 1, 1985 – The Board granted a variance as follows: a Variance from Article II, Section 10-206(25) to allow the continuance of the use of a mobile home and two trailers for storage for a period of time in excess of 90 days. This variance was granted provided that the storage vehicles be moved 200' back from the front property line.

November 12, 1985 – The Board denied a variance as follows: a Variance from Article IX, Section 10-906 to erect 2 free-standing signs with 12 ft. and 17 ft. front yards where a minimum yard of 35 ft. is required.

## Planning Department Comments

The applicant is proposing to add mobile home sales to the property where the use is permitted by special exception in the G1 district. The addition of the mobile home sales use requires additional parking which is proposed to be located in front of the principal structure. Two sections of the ordinance prohibit parking between the street and the principal structure. The full text of both sections is below:

10.5B83.10 Required **off-street parking** spaces shall not be located between a **principal building** and a **street** or within any required perimeter buffer area.

### 10.1113.20 Location of Parking Facilities on a Lot

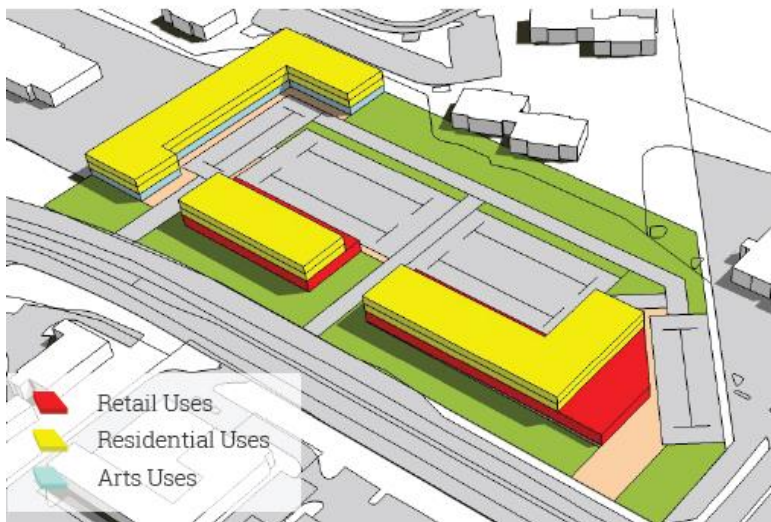
Required **off-street parking** spaces shall not be located in any required **front yard**, or between a **principal building** and a **street** (including on a **corner lot**). This restriction shall not apply to required **off-street parking** for a **single-family dwelling** or **two-family dwelling**.

The applicant is appealing the determination that these two sections apply to their proposal, arguing that Lafayette Road is not a street. As stated in the Planning Director's response, when you read the Ordinance as a whole, it is clear the intent of Section 10.5B83.10 is to prohibit parking between a building and a public way in this district. If we were to read the definition of street to exclude Lafayette Road from this provision, we would intentionally construe the Ordinance to have a meaning other than the one intended by its drafters. The common meaning of a street clearly includes Lafayette Road, and any reading of this ordinance provision which does not include Lafayette Road frustrates the purpose of the ordinance.

This is also supported by the Master Plan, with specific examples of buildings located closer to the street and parking located in the rear of the property. Below is an excerpt from the Plan along with a rendering of redevelopment along Lafayette Road.

“A rendering of a typical site on Lafayette Road can be used to demonstrate what a new mixed-use development could look like based on the existing Gateway Planned Development standards. The site features buildings along the street with parking in the rear, and significant open space, and offers an improvement from existing conditions.”

**Below.** A redevelopment study of a parcel on Lafayette Road, showing new structures built according to existing zoning regulations for a Gateway Planned Development. An analysis of this site is described in the Future Development Objectives: Land Use section of this chapter.



An affirmative vote of at 4 members is required to overturn a decision of a Code Official. If the appeal is not granted, the applicant is seeking variances for the location of the 5 additional parking spaces.

### **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.*

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 **Todd & Jan Peters, Owners**, for property located at **379 New Castle Avenue** wherein relief is needed from the Zoning Ordinance for a partial demolition and reconstruction of an existing residence and porch which requires the following: 1) A Variance from Section 10.521 to allow: a) a 6' right side yard where 10' is required; b) 22% building coverage where 20% 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 207 Lot 4 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	Partial demo and reconstruction	Primarily residential uses
<u>Lot area (sq. ft.):</u>	8,744	8,744	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,744	8,744	15,000 min.
<u>Street Frontage (ft.):</u>	55	55	100 min.
<u>Lot depth (ft.):</u>	112	112	100 min.
<u>Front Yard (ft.):</u>	>30	>30	30 min.
<u>Right Yard (ft.):</u>	6	<b>6</b>	10 min.
<u>Left Yard (ft.):</u>	11	11	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	21.5	<b>22</b>	20 max.
<u>Open Space Coverage (%):</u>	66	66	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1850	<b>Variance request shown in red.</b>	

**Other Permits/Approvals Required**

None.



## Planning Department Comments

The applicant is proposing to demolish the existing porch that is nonconforming and construct a new porch in the same footprint and second story addition. The foundation is proposed to be repaired and a small increase in the footprint is proposed, increasing the building coverage slightly.

### 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 **AER RE, LLC, Owner**, for property located at **185 Cottage Street** wherein relief is needed from the Zoning Ordinance to allow a business office use which requires the following: A Variance from Section 10.440 Use #5.20 to allow a business office use where the use is not permitted. Said property is shown on Assessor Map 174 Lot 14 and lies within the General Residence A (GRA) District.

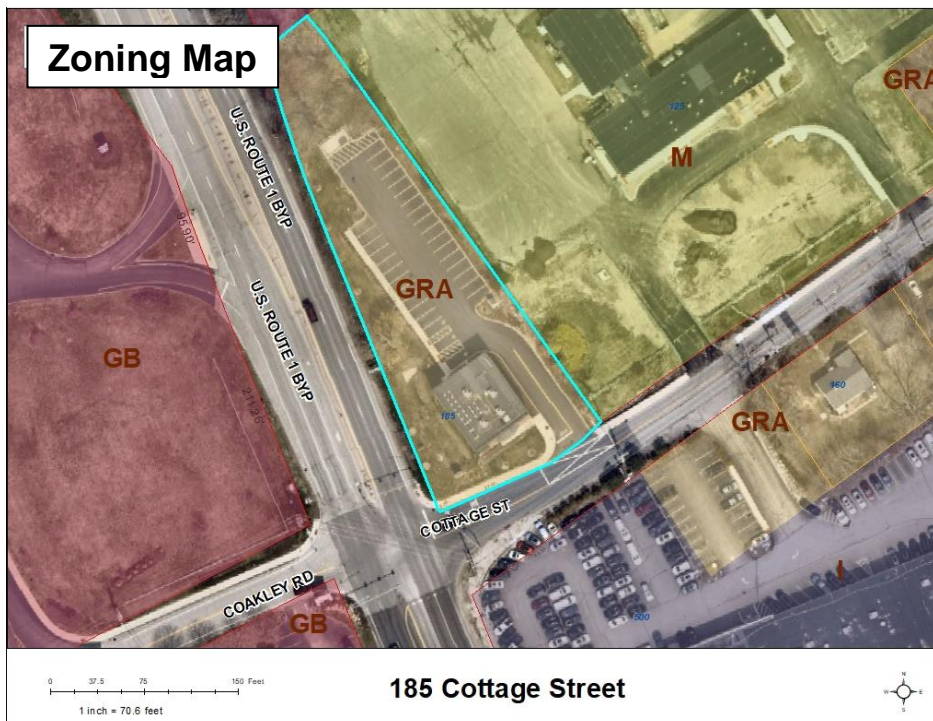
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Medical facility	<b>Business office</b>	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	38,768	38,768	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	NA	NA	7,500 min.
<u>Street Frontage (ft.):</u>	>100	>100	100 min.
<u>Lot depth (ft.):</u>	>70	>70	70 min.
<u>Primary Front Yard (ft.):</u>	27	27	15 min.
<u>Right Yard (ft.):</u>	43	43	10 min.
<u>Secondary Front Yard (ft.):</u>	15	15	15 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Height (ft.):</u>	<30	<30	30 (flat) max.
<u>Building Coverage (%):</u>	11	11	25 max.
<u>Open Space Coverage (%):</u>	46	46	30 min.
<u>Parking:</u>	31	31	22 (based on new use)
<u>Estimated Age of Structure:</u>	2019	<b>Variance request shown in red.</b>	

**Other Permits/Approvals Required**

None.

## Neighborhood Context



## Previous Board of Adjustment Actions

October 25, 2016 – The Board denied the following variances as follows:

- 1) A Variance from Section 10.440 to allow a fast food restaurant in a district where the use is not allowed.
- 2) A Variance from Section 10.1112.30 to allow 23 parking spaces to be provided where 33 parking spaces are required.
- 3) A Variance from Section 10.1113.20 to allow off-street parking spaces to be located in a required front yard or between a principal building and a street.

June 26, 2018 – The Board granted a variance as follows: a Variance from Section 10.440, Use #620 to allow medical (dental) offices where medical offices are not permitted.

July 16, 2019 – The Board granted the following variances:

- 1) Section 10.1215 to allow 113 s.f. of signage where 40 s.f. of aggregate sign area is available.
- 2) Section 10.1214 to allow a freestanding sign where freestanding signs are not allowed.
- 3) Section 10.1253.10 to allow a 10' high freestanding sign 15' from a lot line where a freestanding sign is not allowed.
- 4) Section 10.1251.20 to allow a 44.4 s.f. wall sign where 4 s.f. is the maximum sign area allowed for a wall sign and a 60 s.f. freestanding sign.
- 5) Section 10.1261.10 to allow halo illumination where no illumination is permitted.

### **Planning Department Comments**

As is shown in the history above, the medical office was approved in 2018 and subsequently, the signage was approved in 2019. The medical office occupies the second floor of the building and the applicant originally anticipated a similar use for the first floor. The proposal is for a business office use in the first floor which is not permitted in the GRA zone. The original parking analysis was based on medical office occupying the entire building which required 28 spaces and 31 were provided. Business office use requires less parking so there is adequate parking for both uses on the property.

### **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 **GIRI Dover, LLC, Owner**, for property located at **99 Durgin Lane** wherein relief is needed from the Zoning Ordinance for installation of concealed wireless communication facilities which requires the following: A Special Exception from Section 10.923.30 to allow the installation of concealed wireless communication facilities where the use is permitted by Special Exception. Said property is shown on Assessor Map 239 Lot 15 and lies within the Gateway Neighborhood Corridor (G1) District.

**Existing & Proposed Conditions**

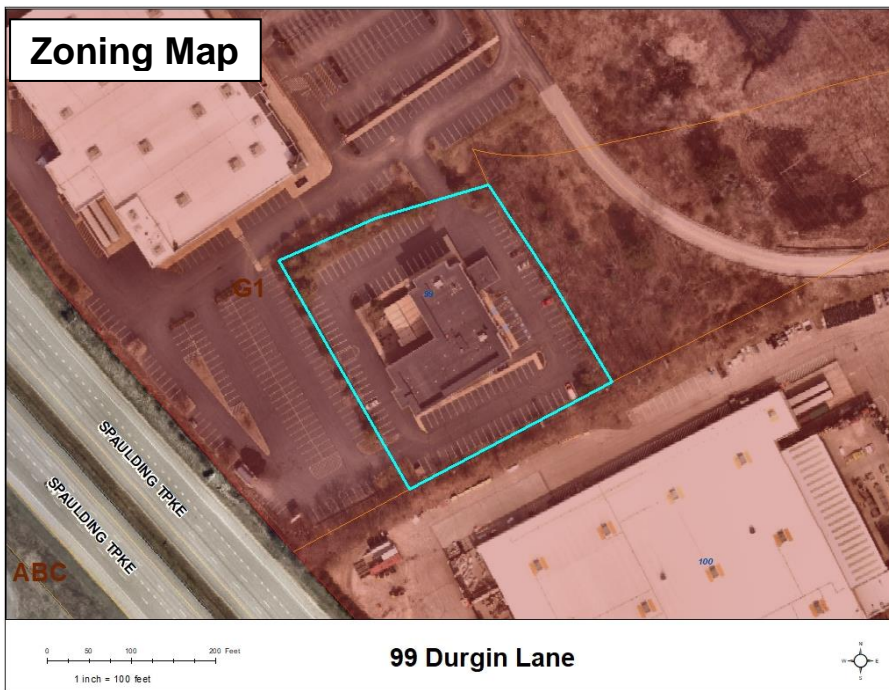
The Hampton Inn occupies this parcel that is adjacent to the Spaulding Turnpike and located behind Home Depot. The proposal consists of 6 concealed wireless communications facilities that will be inserted into the parapet wall of the Hampton Inn and supporting structures will be located on the roof. This type of facility is allowed by Special Exception in the G2 district under Section 10.923.30. Section 10.926 outlines specific information that must be provided in the application for a Special Exception.

**Other Permits/Approvals Required**

None.

**Neighborhood Context**





### **Previous Board of Adjustment Actions**

April 20, 1999 – The Board granted a variance as follows: a Variance from Article IX, Section 10-908 Table 11 to allow a 74.58 s.f. attached sign creating: a) 242 s.f. of attached signage where 200 s.f. is the maximum allowed and b) 242 s.f. of aggregate signage where 200 s.f. is the maximum allowed. This variance was granted with the following stipulation:

1. The attached sign be reduced from 74.58 s.f. to 62 s.f. reducing the total aggregate signage from 242 s.f. to 230 s.f.

March 23, 2018 – The Board granted the following variances:

- 1) a Variance from Section 10.1271 to allow signage where it is not allowed;
- 2) a Variance from Section 10.1251.10 to allow signage where there is no aggregate signage allowed;
- 3) a Variance from Section 10.1251.20 to allow canopy signs greater than 20 s.f.
- 4) a Variance from Section 10.1251.20 to allow a wall sign greater than 200 s.f.
- 5) a Variance from Section 10.1242 to allow more than one wall sign above the first floor on three sides of the building without a street façade.

## **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.*

6.

Petition of **Andrew S. Bridges, Owner**, for property located at **10 Fairview Drive** wherein relief is needed from the Zoning Ordinance for construction of a 10 x 12 shed which requires the following: A Variance from Section 10.573.20 to allow a 3' rear and a 3' side yard where 8.5' is required for both. Said property is shown on Assessor Map 219 Lot 18 and lies within the Single Residence B (SRB) District.

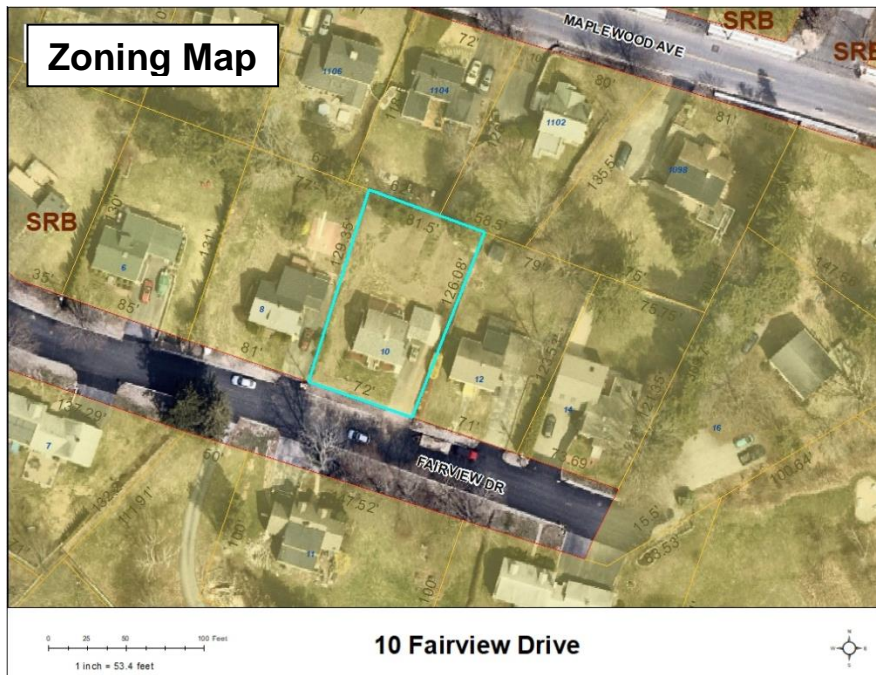
**Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant	Construct single-family dwelling	Primarily residential uses
<u>Lot area (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Street Frontage (ft.):</u>	72	72	100 min.
<u>Lot depth (ft.):</u>	127	127	100 min.
<u>Front Yard (ft.):</u>	21	21	30 min.
<u>Right Side Yard (ft.):</u>	5	<b>3</b> (shed)	8.5 (shed) min.
<u>Left Side Yard (ft.):</u>	24	24	10 min.
<u>Rear Yard (ft.):</u>	63	<b>3</b> (shed)	8.5 (shed) min.
<u>Height (ft.):</u>	<35	8.5	35 max.
<u>Building Coverage (%):</u>	11.5	13	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>		2	1.3
		<b>Variance 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 applicant is proposing to construct a 10 x 12 shed in the back right corner of the lot. Accessory structures over 100 square feet must be setback the height of the structure or the applicable setback, whichever is less. In this instance, the required rear yard is 30' and side yard is 10', however the height of the shed is 8.5', therefore both the rear and the side yard requirement is 8.5'.



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 **Donna Pantelakos Revocable Trust, Owner** for property located at **138 Maplewood Avenue** wherein relief is needed from the Zoning Ordinance to create a new dwelling unit by constructing a second floor addition over an existing garage which requires the following; 1) A Variance from Section 10.521 to allow: a) a lot area per dwelling unit of 2,616 where 3,000 is required; and b) a 1' right side yard where 5' 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 124 Lot 6 and lies within the Character District 4-L1 (CD4-L1) District.

## Request to Postpone

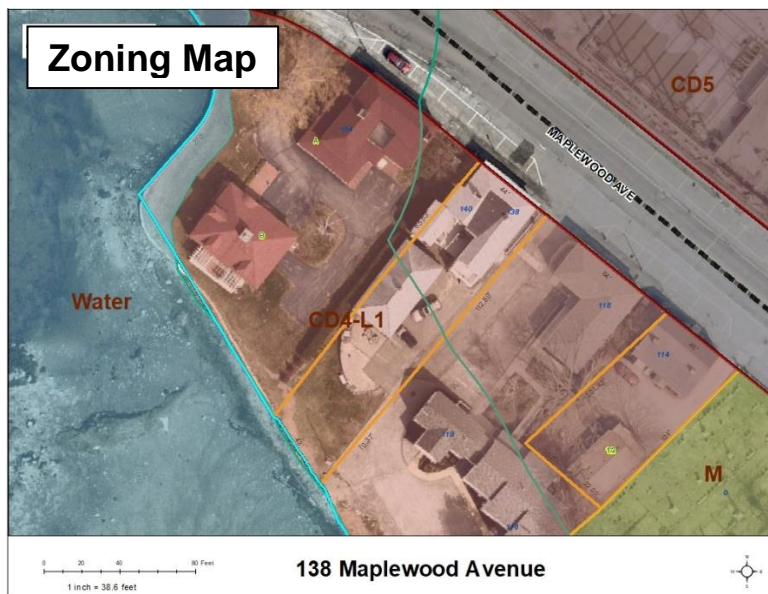
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two family	Garage addition/3 dwelling units	Primarily mixed residential uses
<u>Lot area (sq. ft.):</u>	7,850	7,850	3,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,925	<b>2,616</b>	3,000 min.
<u>Front Yard (ft.):</u>	0	0	15 max.
<u>Right Side Yard (ft.):</u>	1	<b>1</b>	5' min to 20' max.
<u>Left Side Yard (ft.):</u>	10	10	5' min to 20' max.
<u>Rear Yard (ft.):</u>	68	62	5 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u>	39	41	60 max.
<u>Open Space Coverage (%)</u>	32	32	25 min.
<u>Parking</u>	6	6	4
		Variance request shown in red.	

### Other Permits/Approvals Required

Historic District Commission  
 Planning Board/TAC – Site Review

## Neighborhood Context



## Previous Board of Adjustment Actions

No BOA history found.

## Planning Department Comments

The applicant is proposing to add a third dwelling unit to the property by constructing a second floor addition on the existing garage which includes a rear addition onto the garage. The garage sits approximately 1' from the property line on the right side. The applicant has requested to postpone as they are seeking an easement from the neighbor for a no-build area.



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.*