

TO: Zoning Board of Adjustment  
FROM: Juliet Walker, Planning Department  
DATE: 11/18/2015  
RE: Zoning Board of Adjustment Meeting on 11/24/2015

**NEW BUSINESS**

1. 13 McDonough St
2. 105 Bartlett St
3. 105 Bartlett St
4. 280 South St
5. 179 McDonough St
6. 285-287 Hanover St
7. 140 Orchard St
8. 100 Peverly Hill Rd



## Case # 11-8

Petitioner:	Tammy Gewehr
Property:	13 McDonough Street
Assessor Plan:	Map 138, Lot 49
Zoning District:	Mixed Residential Business
Description:	Provide less than the required off-street parking for a Bed and Breakfast.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where three spaces are required for a Bed and Breakfast use.</li> <li>2. A Variance from Section 10.1114.32 to allow off-street parking spaces that do not comply with the vehicular circulation requirements of the Ordinance.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family residential	Mix of residential and some business uses
<u>Lot area (sq. ft.):</u>	1,568	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,568	7,500 min.
<u>Street Frontage (ft.):</u>	30	100 min.
<u>Lot depth (ft.):</u>	49	80 min.
<u>Front Yard (ft.):</u>	4.5	5 min.
<u>Left Yard (ft.):</u>	12	10 min.
<u>Right Yard (ft.):</u>	2' (to house)	10 min.
<u>Rear Yard (ft.):</u>	7"	15 min.
<u>Height (ft.):</u>	<40'	40 max.
<u>Building Coverage (%):</u>	42	40 max.
<u>Open Space Coverage (%):</u>	>25	25 min.
<u>Parking (# of spaces):</u>	1	2 min.
<u>Estimated Age of Structure:</u>	1840	

### B. Proposed Changes

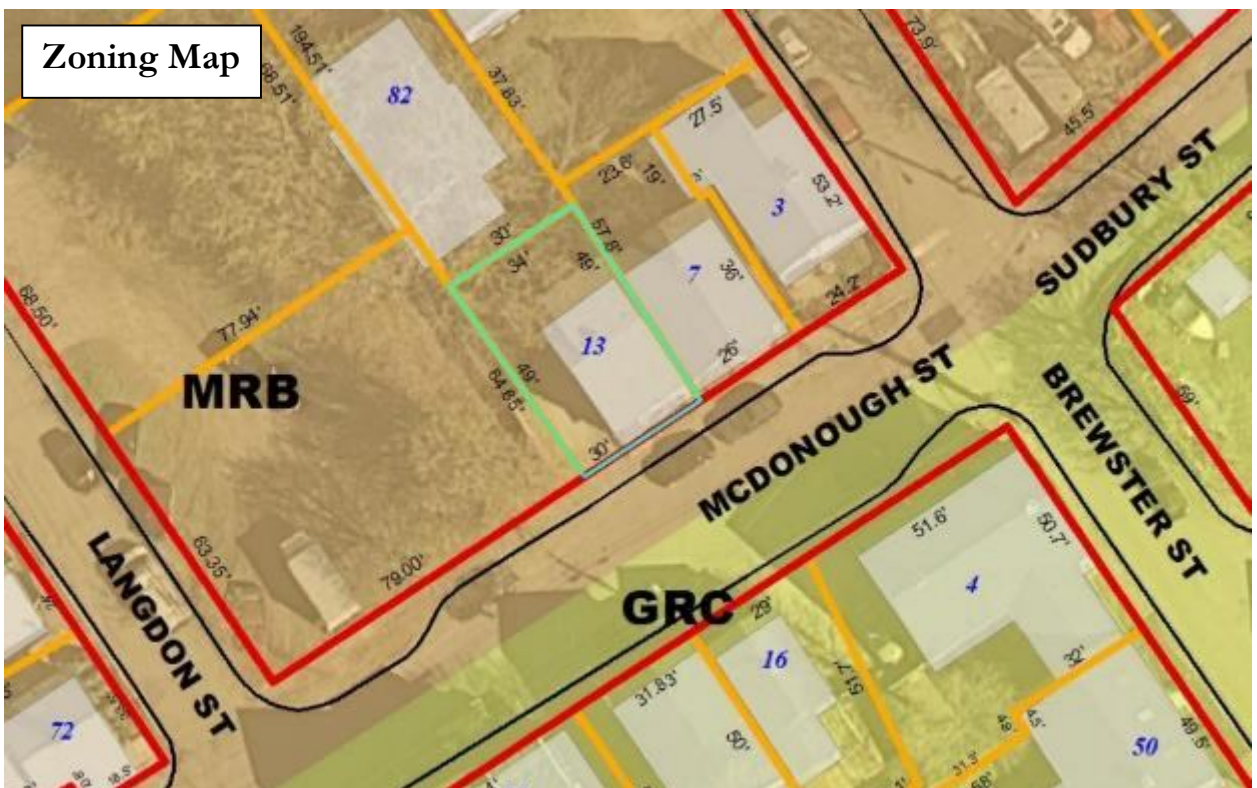
	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Bed and breakfast	Mix of residential and some business uses
<u>Open Space Coverage:</u>	TBD	25 min.
<u>Parking (# of spaces):</u>	3	2 (nonconforming) min.

### C. Other Permits Required

- None.

### D. Neighborhood Context

- Surrounding Land Uses: Single family residential, vacant land, 4-8 unit apartments, residential condo



### E. Previous Board of Adjustment Actions

December 16, 2014 - The Board **granted** variances to relocate a 6' x 8' shed to the right rear of the property allowing the following: 1) a 2' right side yard setback, 5' required; and 2) 42% building coverage, 40' maximum allowed.

## **F. Planning Department Comments**

The application meets the submission requirements and the applicant has discussed the change of use request with the Planning Department staff. The applicant has been asked to confirm whether or not she complies with the minimum open space requirement.

## **G. 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.*



## Case # 11-9

Petitioners:	Clipper Traders LLC, owner, Play All Day LLC, applicant
Property:	105 Bartlett Street
Assessor Plan:	Map 157, Lot 1
Zoning District:	Office Research
Description:	Operate a dog daycare/boarding facility.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.440 to allow a day care/boarding facility for dogs in a district where the use is not allowed.</li> <li>2. A Variance from Section 10.1111.10 to allow a change of use without providing the necessary off-street parking.</li> <li>3. A Variance from Section 10.1114 to allow off-street parking spaces that do not meet the dimensional requirements.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant (formerly fish processing)	Primarily office and research uses
<u>Parking (# of spaces):</u>	21	No requirement as not an allowed min. use

### B. Proposed Changes

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Dog daycare / boarding facility	Primarily office and research uses
<u>Parking (# of spaces):</u>	21 nonconforming spaces (12 for dog daycare use)	No requirement as not an allowed min. use

### C. Other Permits Required

- None.

### D. Neighborhood Context

- Surrounding Land Uses: Railroad, lumber yard / store





## E. Previous Board of Adjustment Actions

May 28, 1991 – The Board **granted** a variance to reconstruct a nonconforming building on the existing footprint which had been destroyed by fire with associated retail sales.

June 23, 1998 – The Board **granted** the following: 1) a variance to expand an existing nonconforming seafood processing and freezing operation by the addition of a nitrogen tank on a pad within 500' of a residential district and not allowed in the Office Research District; 2) a Special Exception to allow the outdoor storage of equipment; and 3) a variance to allow a nonconforming use to be expanded. These were granted with the following stipulations: 1) that approval is contingent on the removal of any zoning violation; 2) that a ground pump be installed and enclosed; and that a pressure release valve be installed with the muffler.

## F. Planning Department Comments

The application meets the submission requirements and the applicant has discussed this project with the Planning Department staff. The parking spaces as proposed do not comply with the dimensional requirements of the Ordinance for the minimum required width of the maneuvering aisle, and parking space depth and width.

## G. 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.*



## Case # 11-10

Petitioners:	Clipper Traders LLC, owner, Scott Thornton, applicant
Property:	105 Bartlett Street
Assessor Plan:	Map 157, Lot 1
Zoning District:	Office Research
Description:	Operate a brewery.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.440 to allow operation of a brewery in a district where the use is not allowed.</li> <li>2. A Variance from Section 10.1111.10 to allow a change of use without providing the necessary off-street parking.</li> <li>3. A Variance from Section 10.1114 to allow off-street parking spaces that do not meet the dimensional requirements.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant (formerly fish processing)	Primarily office and research uses
<u>Parking (# of spaces):</u>	21	No requirement as not an allowed min. use

### B. Proposed Changes

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Brewery	Primarily office and research uses
<u>Parking (# of spaces):</u>	21 nonconforming spaces (9 for brewery use)	No requirement as not an allowed min. use

### C. Other Permits Required

- None.

### D. Neighborhood Context

- Surrounding Land Uses: Railroad, lumber yard / store



## E. Previous Board of Adjustment Actions

May 28, 1991 – The Board **granted** a variance to reconstruct a nonconforming building on the existing footprint which had been destroyed by fire with associated retail sales.

June 23, 1998 – The Board **granted** the following: 1) a variance to expand an existing nonconforming seafood processing and freezing operation by the addition of a nitrogen tank on a pad within 500' of a residential district and not allowed in the Office Research District; 2) a Special Exception to allow the outdoor storage of equipment; and 3) a variance to allow a nonconforming use to be expanded. These were granted with the following stipulations: 1) that approval is contingent on the removal of any zoning violation; 2) that a ground pump be installed and enclosed; and that a pressure release valve be installed with the muffler.

## F. Planning Department Comments

The application meets the submission requirements and the applicant has discussed this project with the Planning Department staff. The parking spaces as proposed do not comply with the dimensional requirements of the Ordinance for the minimum required width of the maneuvering aisle, and parking space depth and width.

## G. 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.*



## Case # 11-11

Petitioners:	Huda A. Petra & Kimberly A. Schroeder
Property:	280 South Street
Assessor Plan:	Map 111, Lot 8
Zoning District:	Single Residence B
Description:	Construct a 22'± x 30'± replacement garage in existing location.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.321 to allow a lawful nonconforming building or structure to be reconstructed and enlarged except in conformance with the Ordinance.</li> <li>2. A Variance from Section 10.573.20 to allow a 0'± left side yard setback where 10' is required.</li> </ol>

### A. Existing Conditions

	Existing	Permitted / Required
Land Use:		Primarily single family residential
Lot area (sq. ft.):	18,295.20	15,000 min.
Lot Area per Dwelling Unit (sq. ft.):	18,295.20	15,000 min.
Street Frontage (ft.):	58.4	100 min.
Lot depth (ft.):	332.7	100 min.
Front Yard (ft.):	<30	30 min.
Right Yard (ft.):	<10	10 min.
Left Yard (ft.):	2.5	10 min.
Rear Yard (ft.):	>30	30 min.
Height (ft.):	23.5	35 max.
Building Coverage (%):	<20	20 max.
Open Space Coverage (%):	>40	40 min.
Parking (# of spaces):	6	min.
Estimated Age of Structure:	1750	

### B. Proposed Changes

	Proposed	Permitted / Required
Right Yard (ft.):	10 (to new addition)	10 min.
Left Yard (ft.):	0 (to new garage)	10 min.
Rear Yard (ft.):	>30	30 min.
Height (ft.):	1 story	35 max.
Building Coverage (%):	<20	20 max.
Open Space Coverage (%):	>40	40 min.

### C. Other Permits Required

- Historic District Commission Certificate of Approval

### D. Neighborhood Context

- Surrounding Land Uses: Single family residences, two-family residences, neighborhood market



### E. Previous Board of Adjustment Actions

No BOA history found.



## F. Planning Department Comments

The application meets the submission requirements and the applicant has discussed this project with Planning Department staff.

## G. 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.*



## Case # 11-12

Petitioner:	Ruth E. James
Property:	179 McDonough Street
Assessor Plan:	Map 144, Lot 44
Zoning District:	General Residence C
Description:	Add full rear dormer.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.321 to allow a lawful nonconforming building or structure to be reconstructed and enlarged except in conformance with the Ordinance.</li> <li>2. A Variance from Section 10.521 to allow a 4'± right side yard setback where 10' is required.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family residence	Primarily residential uses
<u>Lot area (sq. ft.):</u>	2,583.98	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,583.98	3,500 min.
<u>Street Frontage (ft.):</u>	46.3	70 min.
<u>Lot depth (ft.):</u>	46.3	50 min.
<u>Front Yard (ft.):</u>	8	5 min.
<u>Right Yard (ft.):</u>	4	10 min.
<u>Left Yard (ft.):</u>	13	10 min.
<u>Rear Yard (ft.):</u>	30	20 min.
<u>Height (ft.):</u>	20	35 max.
<u>Building Coverage (%):</u>	31.42	35 max.
<u>Open Space Coverage (%):</u>	>20	20 min.
<u>Estimated Age of Structure:</u>	1880	

### B. Proposed Changes

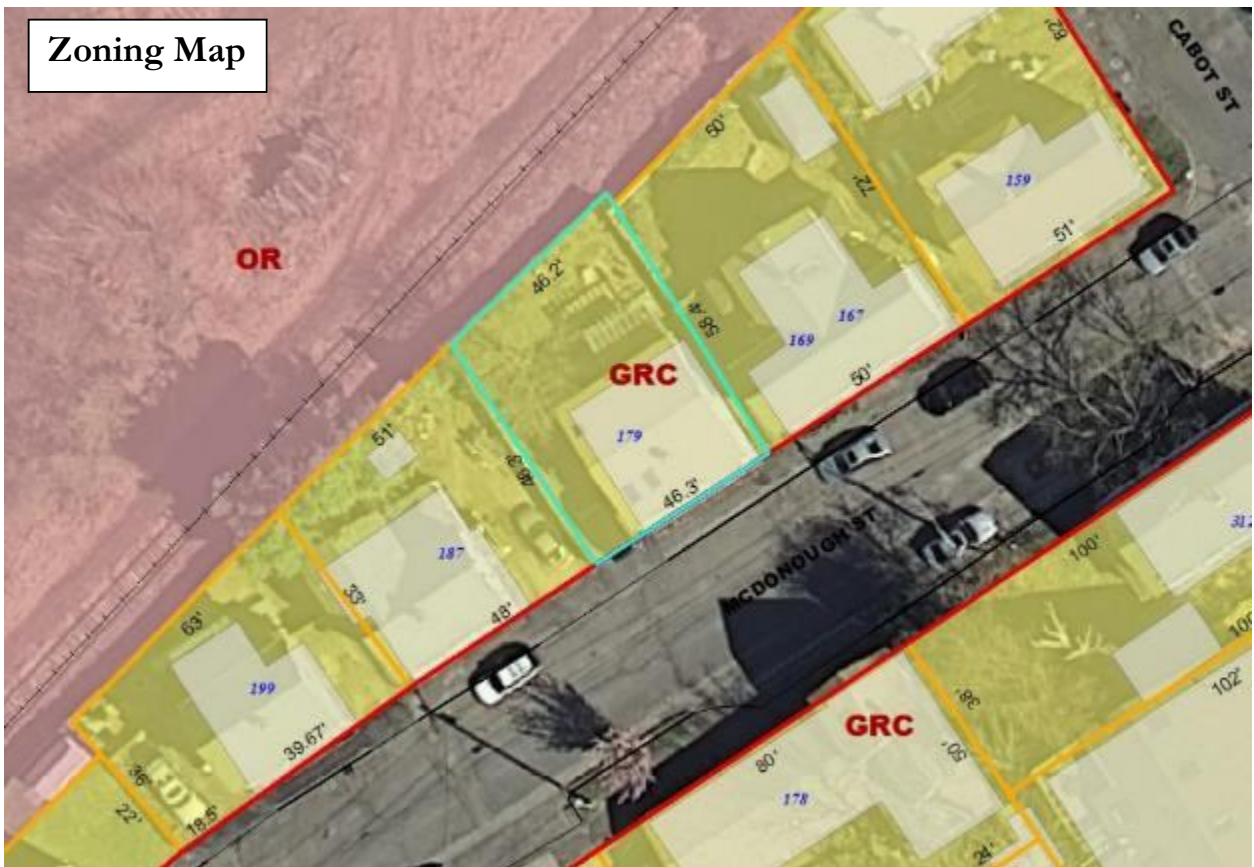
	<u>Existing</u>	<u>Permitted / Required</u>
<u>Right Yard (ft.):</u>	4	10 min.

### C. Other Permits Required

- None.

### D. Neighborhood Context

- Surrounding Land Uses: Railroad, single family residence, two-family residence



**E. Previous Board of Adjustment Actions**

No BOA history found.

## F. Planning Department Comments

The application meets the submission requirements and the applicant has discussed the project with Planning Department staff.

## G. 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.*



## Case # 11-13

Petitioner:	285-287 Hanover Street LLC
Property:	285-287 Hanover Street
Assessor Plan:	Map 125, Lot 8
Zoning District:	Mixed Residential Office
Description:	Four residential units on a lot.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.521 to allow a lot area per dwelling unit of 435.6± s.f. where 7,500 s.f. is required.</li> <li>2. A Variance from Section 10.1111.20 to allow a use that is nonconforming to be enlarged or altered without providing the required off-street parking.</li> <li>3. A Variance from Section 10.1111.10 to allow a change or intensification of use in an existing structure without providing the required off-street parking spaces.</li> <li>4. A Variance from Section 10.1112.30 to allow no off-street parking spaces to be provided where seven spaces are required.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two residential units	Mix of residential and office uses
<u>Lot area (sq. ft.):</u>	1,742.40	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	871.20	7,500 min.
<u>Parking (# of spaces):</u>	0	4 min.
<u>Estimated Age of Structure:</u>	1900	

### B. Proposed Changes

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Four residential units	Mix of residential and office uses
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	435.60	7,500 min.
<u>Parking (# of spaces):</u>	0	7

### C. Other Permits Required

- None.

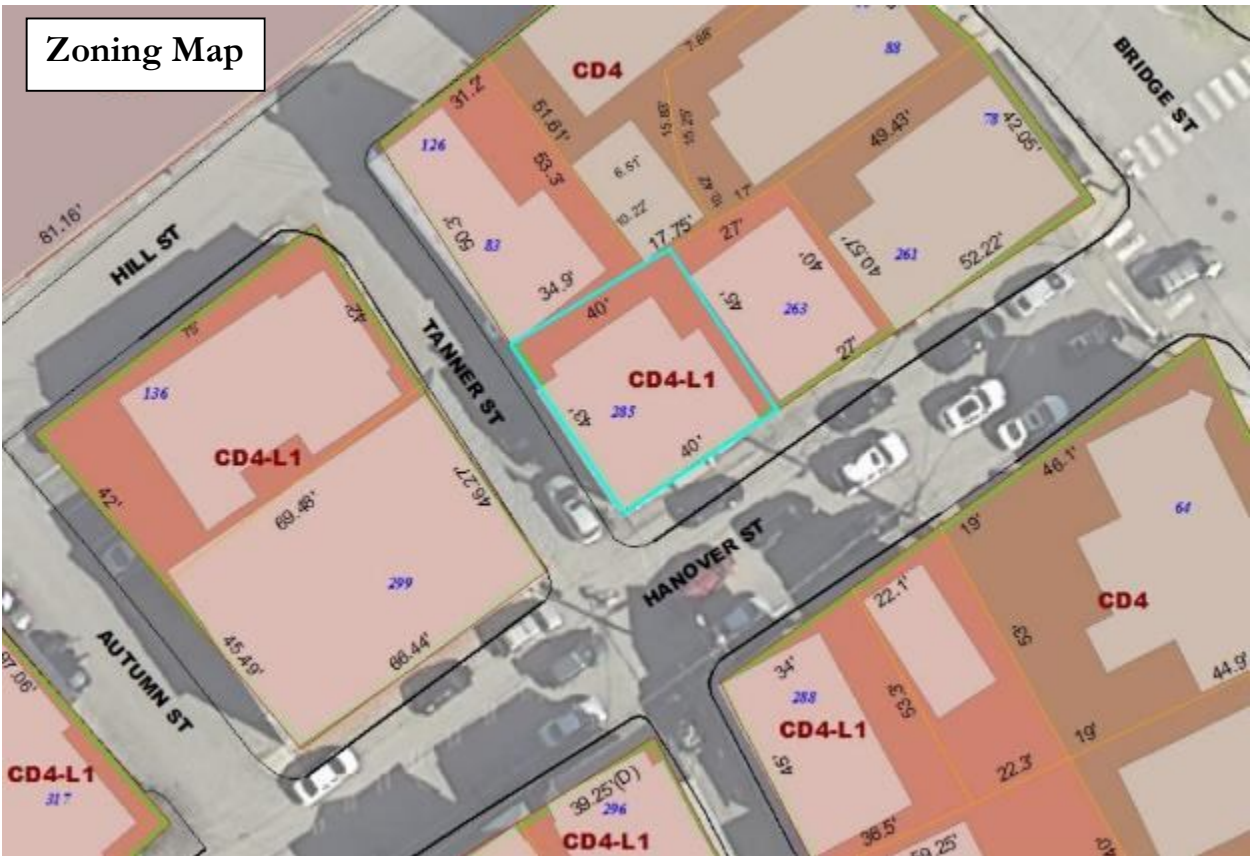
### D. Neighborhood Context

- Surrounding Land Uses: Mix of single, multi-family residential and commercial.

Aerial Map



Zoning Map





## E. Previous Board of Adjustment Actions

No BOA history found.

## F. Planning Department Comments

The application meets the submission requirements and the applicants have discussed the request with the Planning Department staff.

## G. 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.*



## Case # 11-14

Petitioners:	Christopher L. & Anna D. Shultz
Property:	140 Orchard Street
Assessor Plan:	Map 149, Lot 38
Zoning District:	General Residence A
Description:	Rebuild barn in existing footprint and add separate dwelling unit.
Requests:	The Variances necessary to grant the required relief from the Zoning Ordinance, including the following: <ol style="list-style-type: none"> <li>1. A Variance from Section 10.321 to allow a lawful nonconforming building or structure to be reconstructed except in conformance with the Ordinance.</li> <li>2. A Variance from Section 10.513 to allow a second free-standing dwelling on a lot where only one free-standing dwelling is allowed.</li> <li>3. A Variance from Section 10.521 to allow 4,218.75. <math>\pm</math> s.f per dwelling unit where 7,500 s.f. is required.</li> <li>4. A Variance from Section 10.573.20 to allow a rear yard setback of 10'<math>\pm</math> where 14.8' is required.</li> <li>5. A Variance from Section 10.1112.30 to allow two off-street parking spaces to be provided where four are required.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family residence	Primarily residential uses
<u>Lot area (sq. ft.):</u>	8,437.50	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,437.50	7,500 min.
<u>Street Frontage (ft.):</u>	75	100 min.
<u>Lot depth (ft.):</u>	112.5	70 min.
<u>Front Yard (ft.):</u>	13	15 min.
<u>Right Yard (ft.):</u>	15	10 min.
<u>Left Yard (ft.):</u>	33	10 min.
<u>Rear Yard (ft.):</u>	10	20 min.
<u>Height (ft.):</u>	<35	35 max.
<u>Building Coverage (%):</u>	18.55	25 max.
<u>Open Space Coverage (%):</u>	>30	30 min.
<u>Parking (# of spaces):</u>	2	2 min.
<u>Estimated Age of Structure:</u>	1910	

### B. Proposed Changes

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two single family dwellings on one lot	Primarily residential uses
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,218.75	7,500 min.
<u>Right Yard (ft.):</u>	15	10 min.
<u>Left Yard (ft.):</u>	16	10 min.
<u>Rear Yard (ft.):</u>	10	20 min.

<u>Height (ft.):</u>	19.75	35	max.
<u>Building Coverage (%):</u>	18.55%	25	max.
<u>Open Space Coverage (%):</u>	ok	30	min.
<u>Parking (# of spaces):</u>	2	4	min.

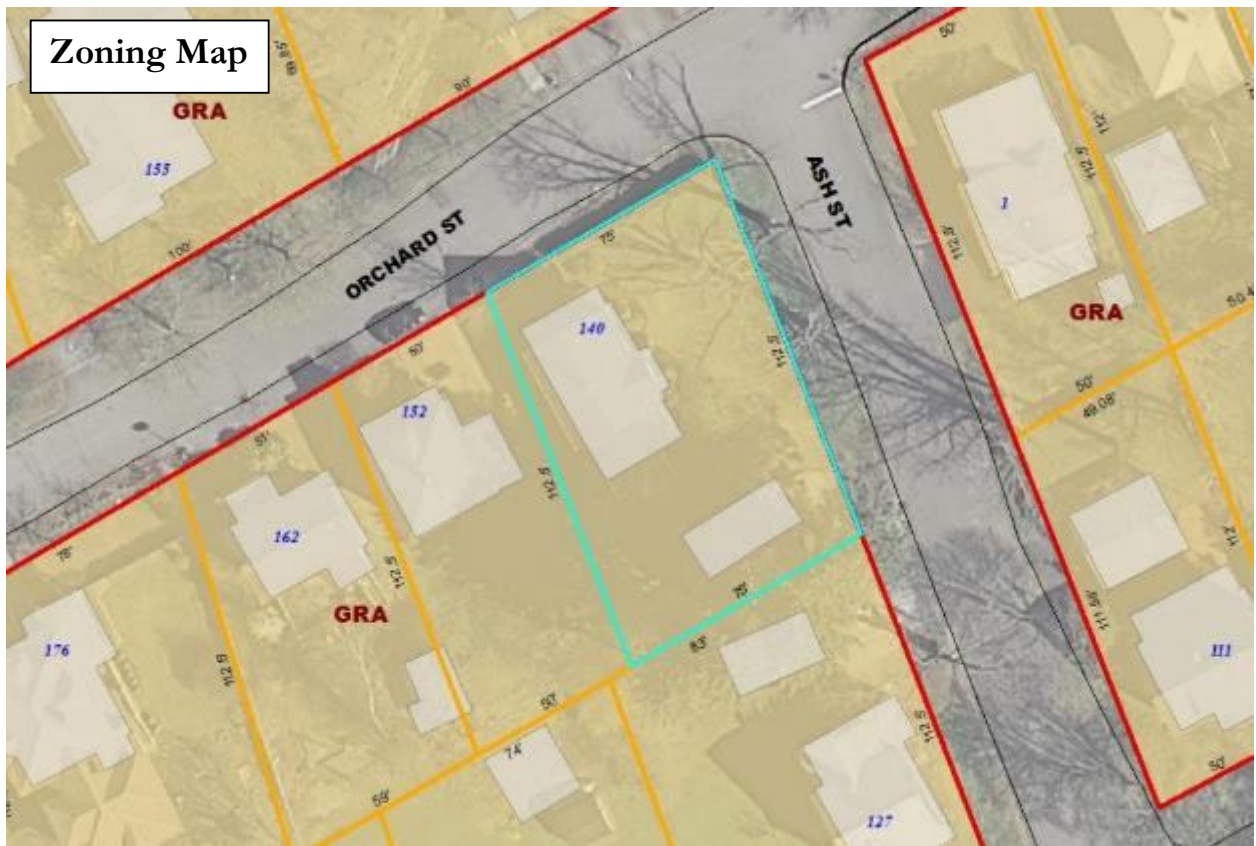
### C. Other Permits Required

- None.

### D. Neighborhood Context

- Surrounding Land Uses:





### E. Previous Board of Adjustment Actions

No BOA history found.

### F. Planning Department Comments

This application meets the submission requirements.

### G. 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**

  - (c) *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.*



## Case # 11-15

Petitioners:	Ryan & Jennifer Smith
Property:	100 Peverly Hill Road
Assessor Plan:	Map 243, Lot 51
Zoning District:	Single Residence B
Description:	Allow two residential dwelling units and a two story deck addition.
Requests:	<p>The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:</p> <ol style="list-style-type: none"> <li>1. A Variance from Section 10.321 to allow a lawful nonconforming building or structure to be extended, enlarged or structurally altered except in conformance with the Ordinance.</li> <li>2. A Variance from Section 10.440 to allow a two-family dwelling where only a single family dwelling is allowed.</li> <li>3. A Variance from Section 10.521 to allow a 4791.6± s.f. lot area per dwelling unit where 15,000 is required.</li> <li>4. A Variance from Section 10.516.40 to allow a 21'± front yard setback where 24' is required for an unenclosed deck.</li> </ol>

### A. Existing Conditions

	<u>Existing</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family residential	Primarily single family residential
<u>Lot area (sq. ft.):</u>	9,583.20	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,583.20	15,000 min.
<u>Street Frontage (ft.):</u>	120	100 min.
<u>Lot depth (ft.):</u>	80	100 min.
<u>Front Yard (ft.):</u>	9	30 min.
<u>Right Yard (ft.):</u>	40	10 min.
<u>Left Yard (ft.):</u>	40	10 min.
<u>Rear Yard (ft.):</u>	43	30 min.
<u>Height (ft.):</u>	1.75 stories	35 max.
<u>Building Coverage (%):</u>	11.63	20 max.
<u>Open Space Coverage (%):</u>	80.02	40 min.
<u>Parking (# of spaces):</u>	4	min.
<u>Estimated Age of Structure:</u>		

## B. Proposed Changes

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family residential	Primarily single family residential
<u>Lot area (sq. ft.):</u>	9,583.20	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,791.60	15,000 min.
<u>Front Yard (ft.):</u>	21	30 min.
<u>Right Yard (ft.):</u>	28	10 min.
<u>Rear Yard (ft.):</u>	<30	30 min.
<u>Building Coverage (%):</u>	12.89	20 max.
<u>Open Space Coverage (%):</u>	78.76	40 min.
<u>Parking (# of spaces):</u>	4	min.

## C. Other Permits Required

- None.

## D. Neighborhood Context

- Surrounding Land Uses: Single family residential, vacant land







## E. Previous Board of Adjustment Actions

October 20, 2015 – A petition to allow a two-family dwelling in a district where the use is not allowed and 4,800 s.f. lot area per dwelling unit where 15,000 s.f. is required was **withdrawn**.

## F. Planning Department Comments

The application meets the submission requirements and the applicant has discussed this project with the Planning Department staff.

## G. 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**

  - (c) *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.*