

TYPE 2 RESIDENTIAL NONCONFORMING EXPANSION

WHAT IS IT?

EXPANSION OF A RESIDENTIAL STRUCTURE THAT DOES NOT CONFORM TO ONE OR MORE STRUCTURE SETBACK REQUIREMENTS (FRONT, SIDE, OR REAR) FOR A SPECIFIC ZONE.

WHY HAVE NONCONFORMING RULES?

NUMBER OF HOUSES WERE BUILT IN BELFAST BEFORE ZONING SETBACK REQUIREMENTS WERE ADOPTED. NONCONFORMING PROVISIONS ALLOW EXPANSIONS TO ADDRESS CONCERNS SUCH AS CHANGING CONDITIONS.

FOCUS OF PRESENTATION

PLANNING BOARD IS PROPOSING AMENDMENTS TO CURRENT TYPE 2 STANDARDS THAT ARE NOW BEING CONSIDERED BY THE CITY COUNCIL. PROPOSED AMENDMENTS GENERALLY PLACE GREATER LIMITATIONS ON EXPANSIONS IN A NONCONFORMING SETBACK AREA BY CHANGING HOW AMOUNT OF ALLOWED NONCONFORMITY IS CALCULATED AND OTHER SPECIFIC MEASURES. I WILL USE AN EXAMPLE TO SHOW DIFFERENCES BETWEEN CURRENT RULES AND PROPOSED RULES.

THAT SAID, ALL PROPERTIES ARE DIFFERENT AND THIS EXAMPLE WILL NOT ILLUSTRATE HOW THE CURRENT OR PROPOSED RULES WOULD APPLY TO ALL PROPERTIES. ALSO, I AM NOT ADDRESSING POTENTIAL ISSUES SUCH AS SHORELAND ZONING, FLOODPLAIN, LOT COVERAGE, OR BUILDING CODE REQUIREMENTS.

CURRENT TYPE 2 PERMIT REQUIREMENTS

- 1) **PLANNING BOARD REVIEWS AND APPLIES STANDARDS TO DETERMINE IF A TYPE 2 PERMIT SHOULD BE ISSUED. - MAP # 1.**
- 2) **AS IS THE CASE FOR ALL STRUCTURES, AN EXPANSION CAN OCCUR WITHIN THE CONFORMING SETBACK AREA. - MAP # 2.**
- 3) **NO EXPANSION CAN COME ANY CLOSER TO ANY NONCONFORMING SETBACK FROM ANY LOT LINE FOR THE EXISTING STRUCTURE. - MAP # 3**
- 4) **THE AMOUNT OF EXPANSION IS BASED UPON THE FOOTPRINT (SQUARE FEET) OF THE EXISTING STRUCTURE. - MAP # 3**
- 5) **AN UPWARD EXPANSION OF THE STRUCTURE ABOVE ANY PART OF THE STRUCTURE IS PERMITTED, PROVIDED IT DOES NOT EXCEED THE MAXIMUM STRUCTURE HEIGHT LIMIT OR THE HEIGHT OF THE STRUCTURE THAT IS NONCONFORMING TO THE HEIGHT LIMIT. - MAP # 3**
- 6) **THE AMOUNT OF FOOTPRINT EXPANSION PERMITTED IN THE NONCONFORMING AREA IS LIMITED TO A LIFETIME EXPANSION OF 30% OF THE TOTAL FOOTPRINT OF THE EXISTING STRUCTURE. - MAP # 3**
- 7) **A STRUCTURE MAY QUALIFY FOR MORE THAN 1 NONCONFORMING EXPANSION UNTIL ALL OF THE 30% LIMIT IS MET. (NO MAP)**

PROPOSED AMENDMENTS TO TYPE 2 NONCONFORMING PERMIT

- 1) **PLANNING BOARD REVIEWS AND APPLIES STANDARDS TO DETERMINE IF A TYPE 2 PERMIT SHOULD BE ISSUED. - MAP # 1**
- 2) **AS IS THE CASE FOR ALL STRUCTURES, AN EXPANSION CAN OCCUR WITHIN THE CONFORMING SETBACK AREA. - MAP # 2**
- 3) **NO EXPANSION CAN COME ANY CLOSER TO ANY NONCONFORMING SETBACK FROM ANY LOT LINE FOR THE EXISTING STRUCTURE & NO EXPANSION CAN COME CLOSER THAN 3 FEET FROM ANY LOT LINE. - MAP # 4**
- 4) **AMOUNT OF ALLOWED EXPANSION IS BASED ONLY ON THE AMOUNT OF THE EXISTING STRUCTURE LOCATED WITHIN THE NONCONFORMING SETBACK AREA. - MAPS 5, 6, & 7**
- 5) **THE AMOUNT OF EXPANSION IS CALCULATED & APPLIED SEPERATELY FOR EACH FLOOR OF THE STRUCTURE. - MAPS # 5, 6 & 7**
- 6) **THE AMOUNT OF EXPANSION IS CALCULATED & APPLIED SEPARATELY FOR PORTIONS OF THE STRUCTURE THAT ARE ENCLOSED & PORTIONS THAT ARE OPEN (DECKS). POLICY --- "OPEN TO OPEN" & "CLOSED TO CLOSED". - MAPS # 5, 6, & 7**
- 7) **THE AMOUNT OF PERMITTED LIFETIME EXPANSION IN THE NONCONFORMING AREA IS 30%; BASED ON THE ABOVE STANDARDS. - MAPS # 5, 6, & 7**
- 8) **A STRUCTURE MAY QUALIFY FOR MORE THAN 1 NONCONFORMING EXPANSION UNTIL ALL OF THE 30% LIMIT IS MET. - NO MAP**

MAP # 2 REMAINING CONFORMING AREA

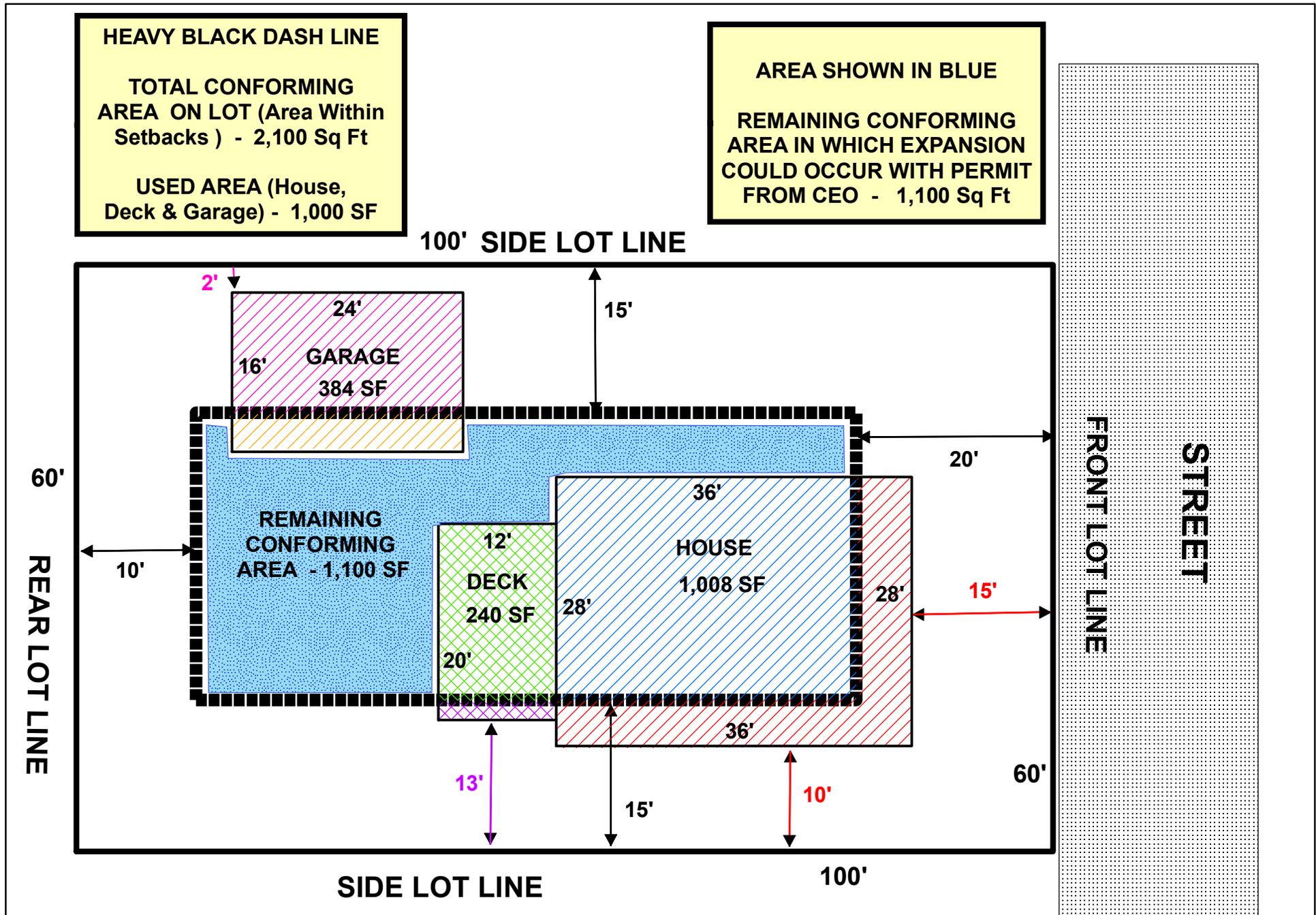
HEAVY BLACK DASH LINE

TOTAL CONFORMING AREA ON LOT (Area Within Setbacks) - 2,100 Sq Ft

USED AREA (House, Deck & Garage) - 1,000 SF

AREA SHOWN IN BLUE

REMAINING CONFORMING AREA IN WHICH EXPANSION COULD OCCUR WITH PERMIT FROM CEO - 1,100 Sq Ft



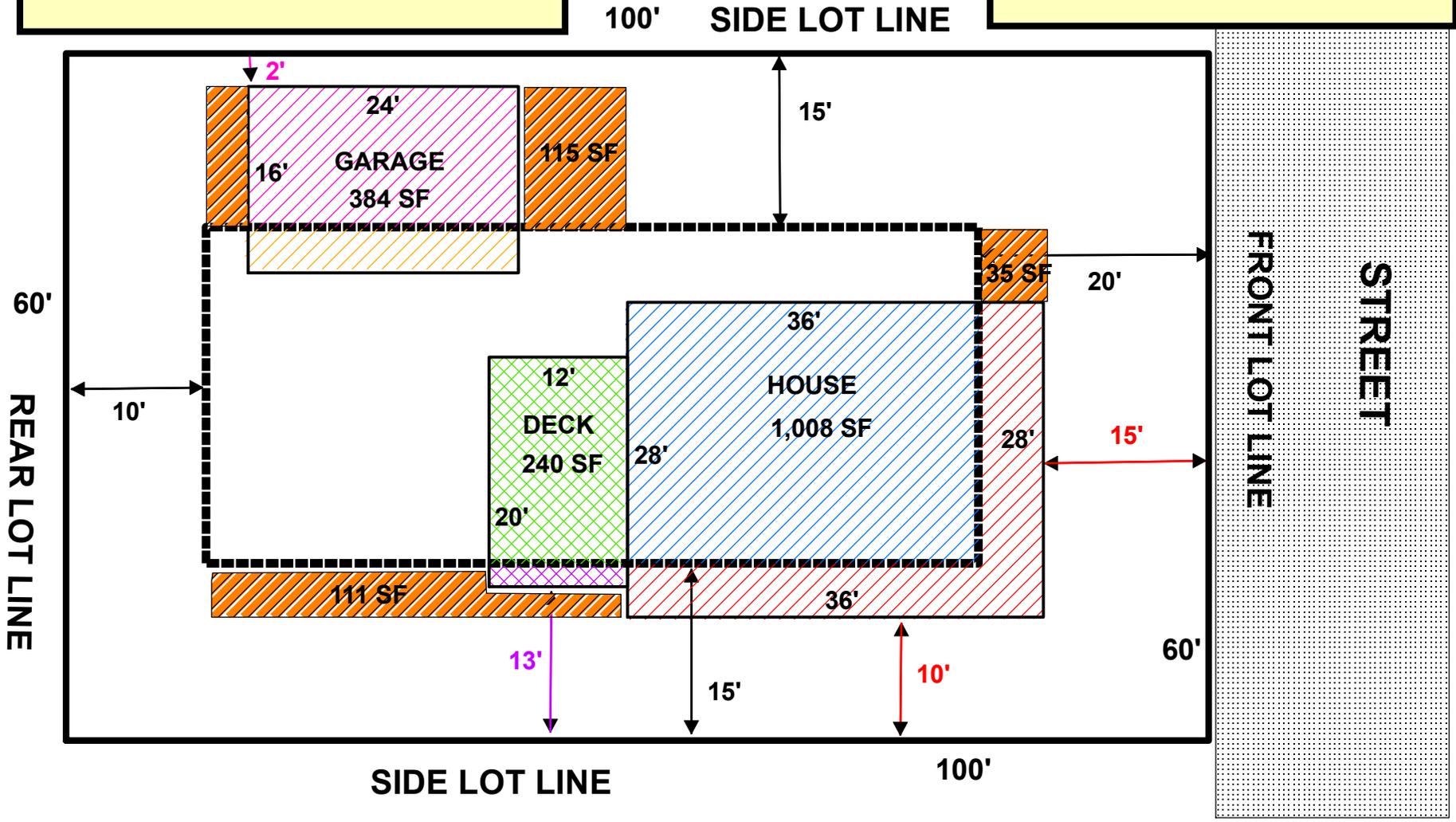
MAP # 3 CURRENT ORDINANCE MAXIMUM EXPANSION AREA

- 1) NO EXPANSION CLOSER TO LOT LINE THAN THE EXISTING STRUCTURE
- 2) NO NEW NONCONFORMITY
- 3) 30% LIFETIME EXPANSION
- 4) CAN EXPAND UP

HOUSE & DECK - 1248 SF
 30% EXPANSION = 374 SF
 ONLY 146 SF POSSIBLE

GARAGE - 384 SF
 30% EXPANSION = 115 SF
 115 SF EXPANSION SHOWN

CAN GO UP TO HEIGHT LIMIT

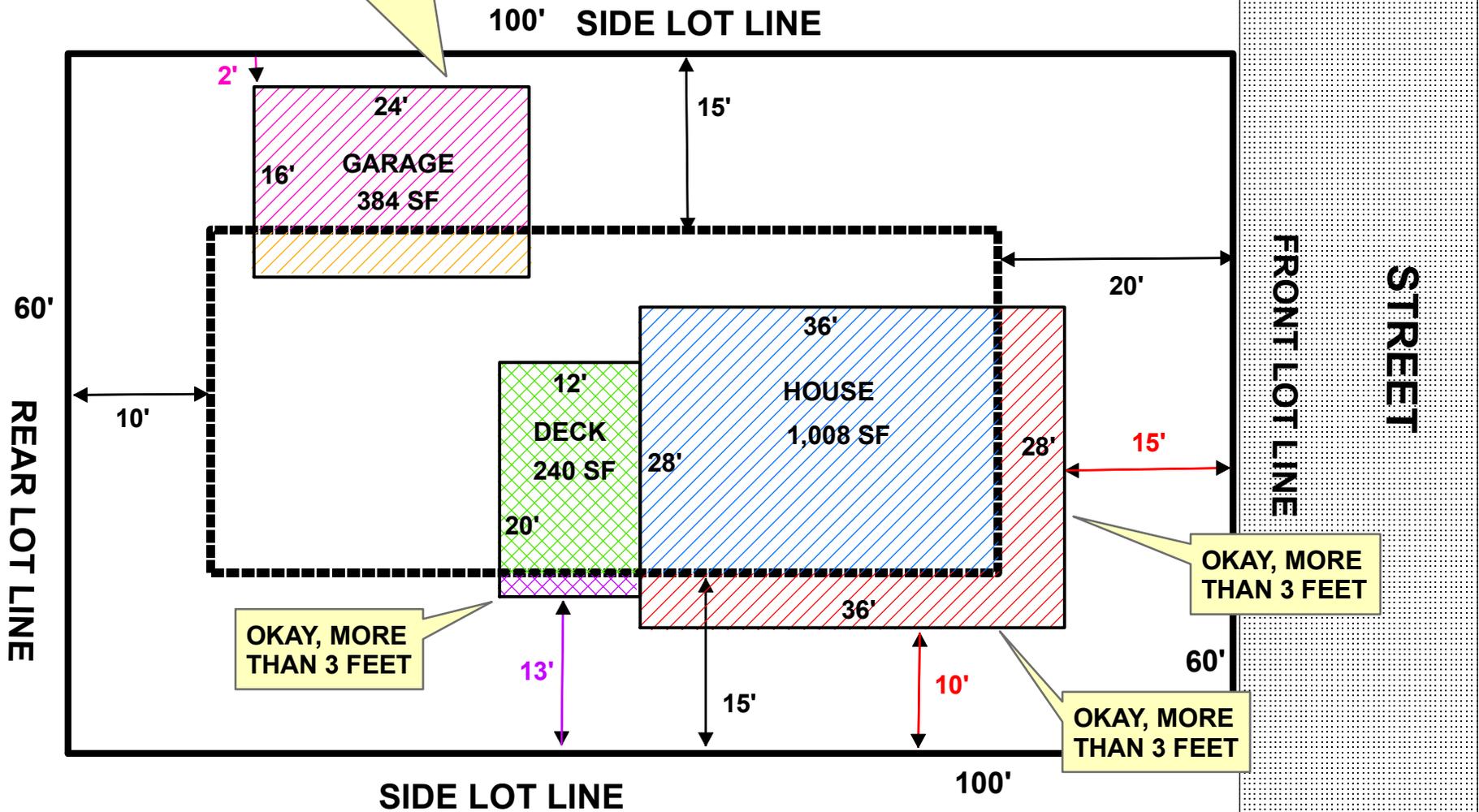


MAP # 4 PROPOSED AMENDMENTS STRUCTURE SETBACKS

CURRENT GARAGE SETBACK
2 FEET FROM LOT LINE.

EXPANSION IN NONCONFORMING
AREA CAN BE NO CLOSER THAN
3 FEET.

NEW PROPOSED STANDARD
NO STRUCTURE EXPANSION
CLOSER THAN 3 FEET TO
ANY PROPERTY LINE



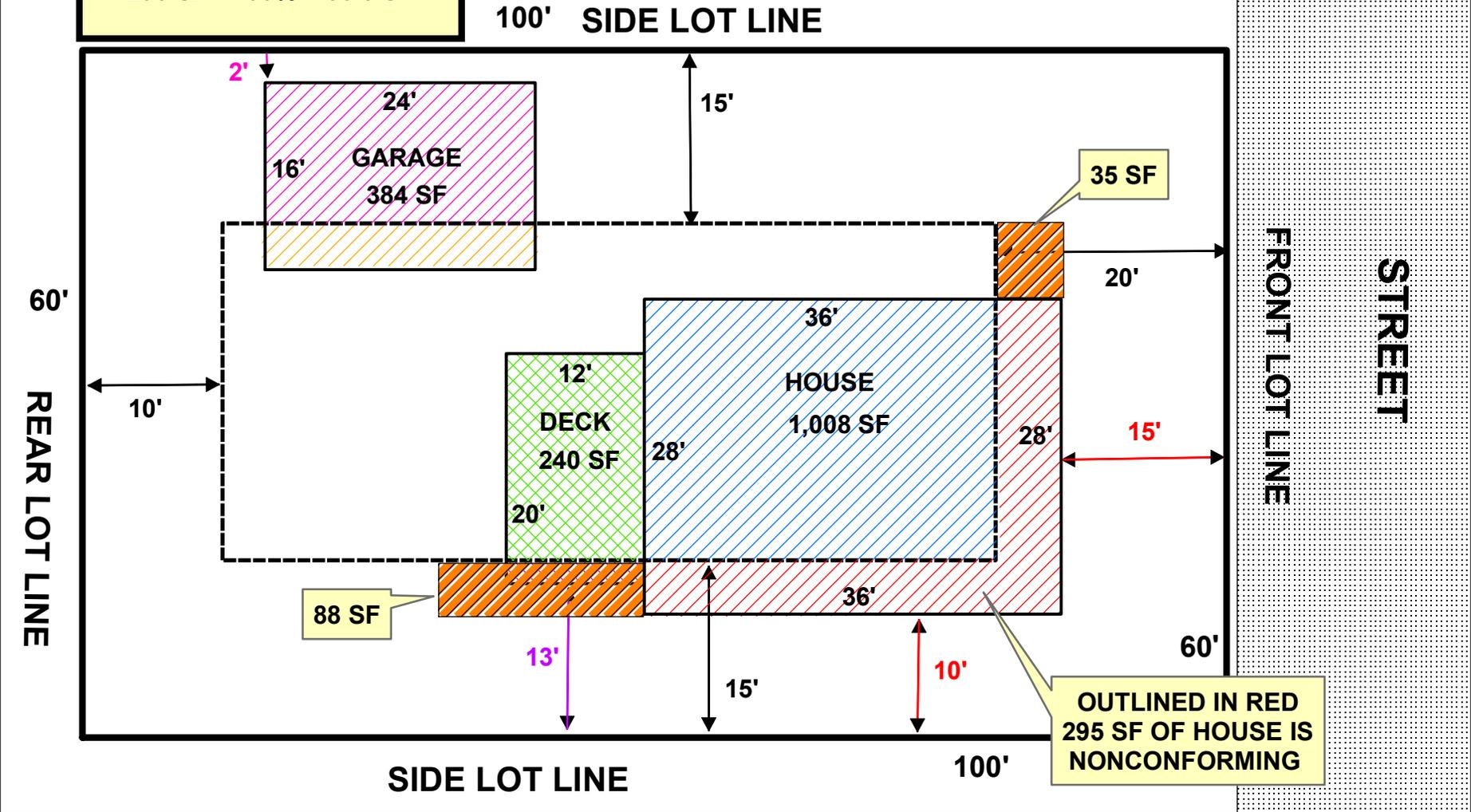
MAP # 5 PROPOSED AMENDMENTS HOUSE EXPANSION

HOUSE EXPANSION
ENCLOSED STRUCTURE

FOOTPRINT EXPANSION
BASED ONLY ON
NONCONFORMING AREA
 $295 \text{ SF} \times .30\% = 88.5 \text{ SF}$

PROPOSED RULE
CLOSED TO CLOSED
OPEN TO OPEN

IF A 2 STORY HOUSE
UPWARD EXPANSION
IN NONCONFORMING
AREA BY THE SAME
88.5 SF



MAP # 6 - PROPOSED AMENDMENT DECK EXPANSION

**DECK EXPANSION
OPEN STRUCTURE**

**FOOTPRINT EXPANSION
BASED ONLY ON
NONCONFORMING AREA**
24 SF X .30% = 7.2 SF

PROPOSED RULE

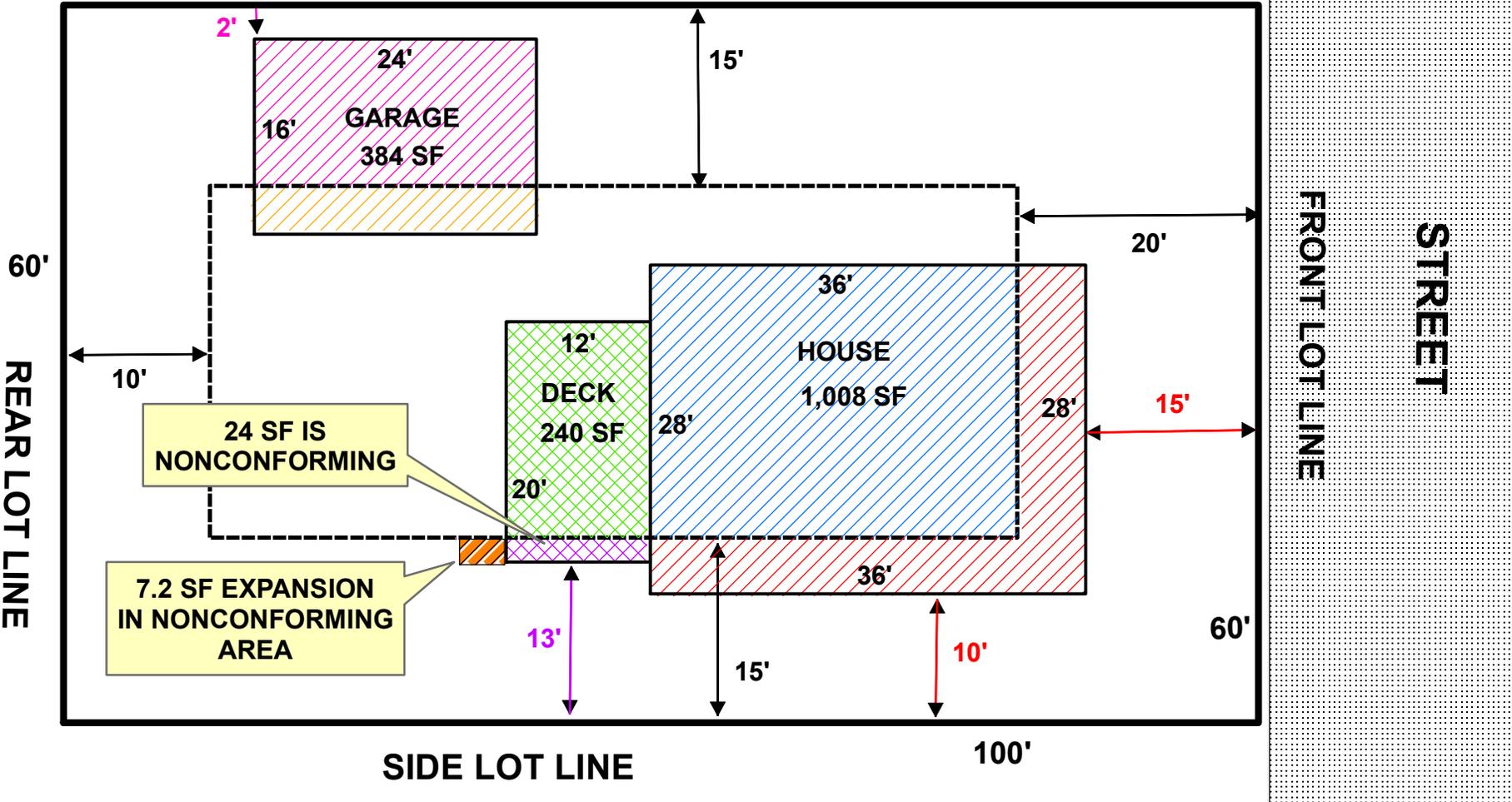
CLOSED TO CLOSED

OPEN TO OPEN

**NO UPWARD EXPANSION
ABOVE DECK**

UNLESS USE SQ FT
EXPANSION
FROM ENCLOSED SPACE

100' SIDE LOT LINE



24 SF IS
NONCONFORMING

7.2 SF EXPANSION
IN NONCONFORMING
AREA

FRONT LOT LINE

STREET

SIDE LOT LINE

100'

60'
REAR LOT LINE

60'

MAP # 7 PROPOSED AMENDMENTS GARAGE EXPANSION

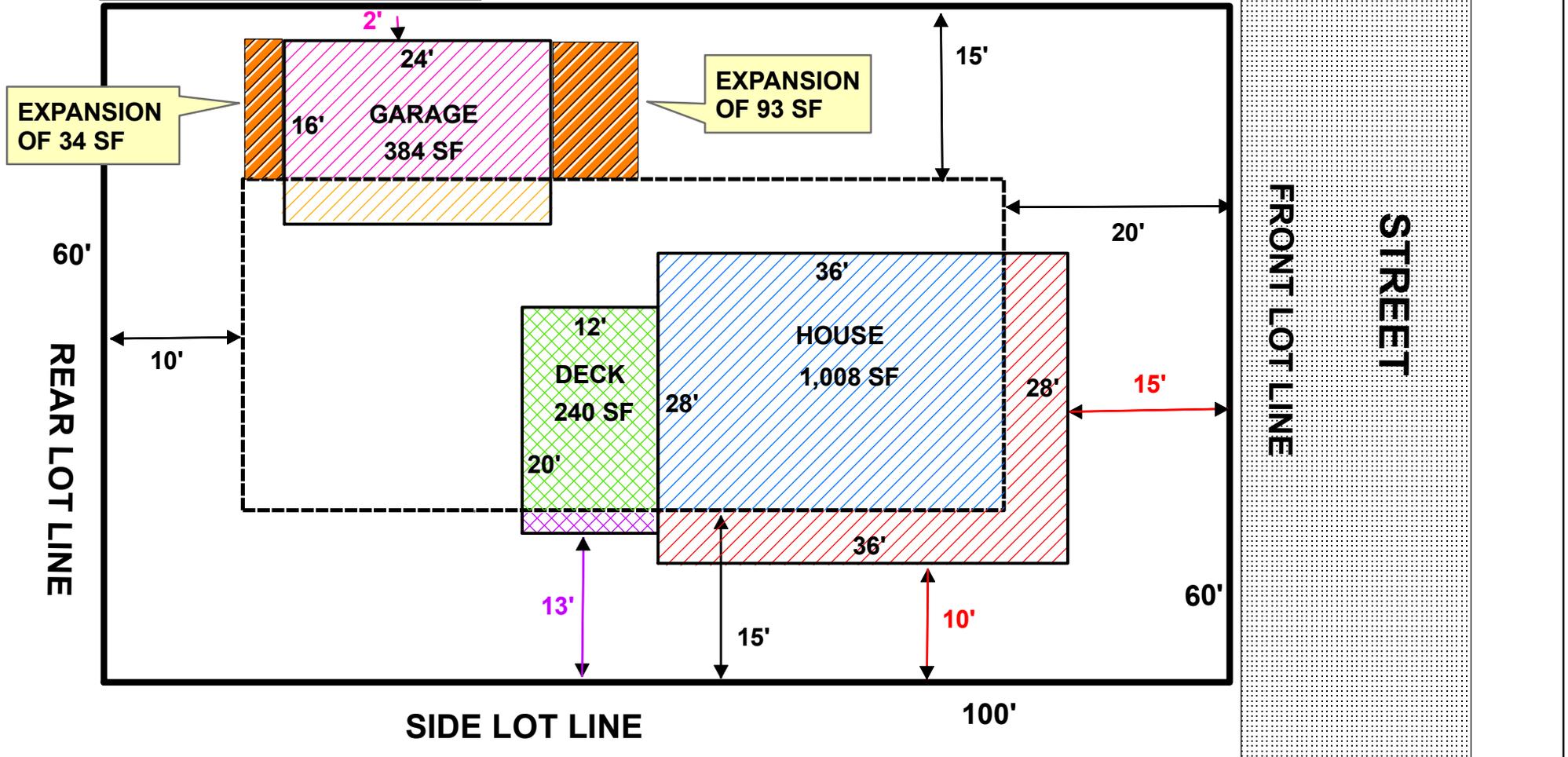
**GARAGE EXPANSION
ENCLOSED STRUCTURE**

**FOOTPRINT EXPANSION
BASED ONLY ON
NONCONFORMING AREA
 $312 \text{ SF} \times .30\% = 93.6 \text{ SF}$**

**PROPOSED RULE
CLOSED TO CLOSED
OPEN TO OPEN**

**IF A ONE STORY
GARAGE
NO UPWARD
EXPANSION
IN NONCONFORMING
AREA**

100' SIDE LOT LINE



MAP # 8 PROPOSED AMENDMENTS EXAMPLE OF EXPANSION

