

UNDERLYING FACTS

Size of Lot

6,000 square feet (Nonconforming Lot of Record)
 60 Feet Road Frontage
 100 Feet Deep

Zoning District Setbacks

Front - 20 Feet
 Side - 15 Feet
 Rear - 15 Feet

House w/o Deck Size & Setbacks

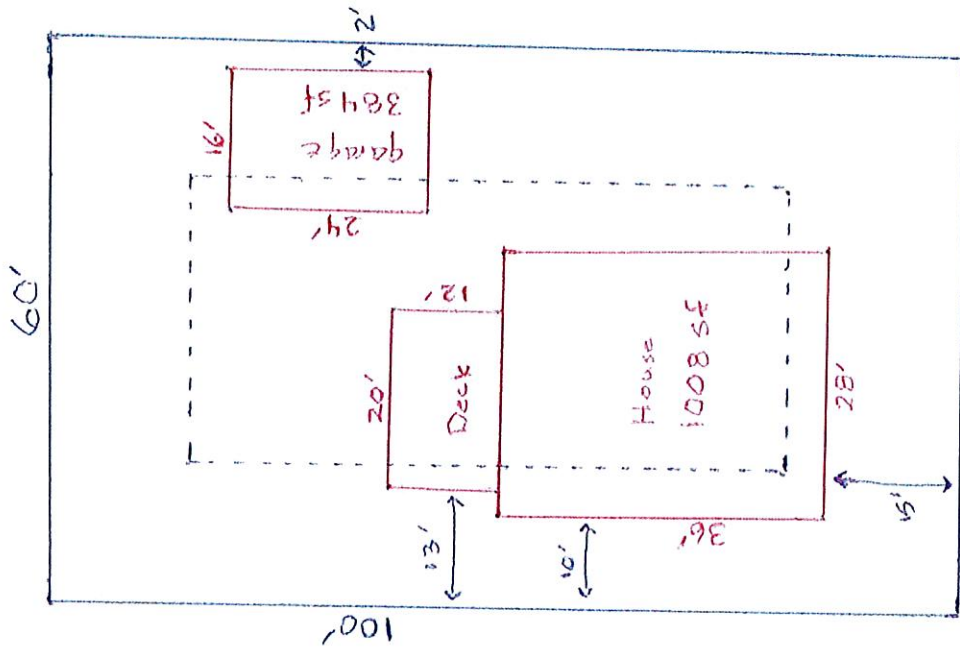
House is 28' Wide & 36' Deep/Long
 House is a total of 1008 Sq Ft (Footprint)
 Front Setback - 15 Feet (5 feet Nonconforming)
 Right Side Setback - 22 Feet (Conforming)
 Left Side Setback - 10 Feet (5 feet Nonconforming)
 Rear Setback - 48 Feet (Conforming)

Deck w/o House Size & Setbacks

Deck is 20' Wide & 12' Deep
 Deck is a total of 240 Sq. Ft (Footprint)
 Front Setback - 50 Feet (Conforming)
 Right Side Setback - 28 Feet (Conforming)
 Left Side Setback - 13 Feet (2 Feet Nonconforming)
 Rear Setback - 36 Feet (Conforming)

Garage Size & Setbacks

Garage is 16' Wide & 24' Deep/Long
 Garage is a total of 384 Sf in Size (Footprint)
 Front Setback - 60 Feet (Conforming)
 Right Side Setback - 2 Feet (2' Nonconforming)
 Left Side Setback - 42 Feet (Conforming)
 Rear Setback - 18 Feet (Conforming)



Street

CURRENT TYPE 2 STANDARDS (Standards Adopted in 1997)

1. A Type 2 Nonconformity specifically considers the amount of structure expansion that could be allowed in a nonconforming setback area. A property owner that applies for a Type 2 Nonconforming Permit can expand the structure in a conforming setback area just like any property owner.
2. The house and the attached deck and the garage do not conform to the required structure setbacks. The house/deck and the garage would be considered as separate structures for a Type 2 Permit.
3. The amount of expansion in the nonconforming area for the house/deck would be based on the total footprint of the house and deck. The footprint of the house is 1,008 square feet (sf), and the attached deck is 240 sf, for a total of 1,248 sf. A Type 2 Nonconformity allows a 30% expansion within the nonconforming setback area. Thirty (30%) percent of 1,248 sf is 374.4 sf. Thus, the house/deck could be expanded in the nonconforming setback area by a maximum of 374.4 sf, provided none of the expansion in a nonconforming setback area is located closer to a lot line than the current nonconforming setback; 5 feet in this example.

In this example, the house is nonconforming with respect to the front setback by 5 feet, and similarly by a maximum of 5 feet along one side lot line. Thus, 319 sq ft of the existing structure is located in a nonconforming area, which means the current standards would allow a greater amount of footprint expansion in the nonconforming area (374.4 sf) than the total amount of the existing footprint that is nonconforming (319 sf). In addition, current standards would allow an upward expansion (any upper floor) above any portion of the nonconforming structure, which could significantly increase the amount of expansion allowed in a nonconforming area.

4. An expansion of the garage would be considered separately from the house. The total footprint of the garage is 384 sf, and 30% of 384 sf is 115 sf. The garage is setback only 2 feet from the adjacent lot line, and 13 feet of the width of the garage is in the nonconforming area; a total of 312 sf. Thus, the footprint of the garage could be expanded within the nonconforming setback area by a total of 115 sf, and the garage could be expanded in any area that conforms to structure setbacks. Also, an upward expansion of the garage would be allowed, even if there is no existing upper floor.

PROPOSED TYPE 2 STANDARDS (Planning Board Hearing)

1. Same as current standards. A Type 2 Nonconformity specifically considers the amount of structure expansion that could be allowed in a nonconforming setback area. An expansion in any conforming area would be allowed just like it would be for any property.
2. The house and the attached deck and the garage do not conform to the required structure setbacks. Even though they are attached, the proposed standards would separately calculate the amount of expansion allowed for the house, an enclosed structure, from the deck, an open structure. The garage, all of which is an enclosed structure, would be addressed as a separate structure.
3. The amount of expansion in the nonconforming area for the footprint of the house (enclosed structure) would be based only on the amount of the footprint of the house (enclosed structure) located within any nonconforming setback area. The deck, which is an open structure, would be calculated separately. A total of 295 sf of the house is in a nonconforming setback area, and 30% of 295 sf is 88.5 sf. Thus, a Type 2 Nonconformity would allow a maximum footprint expansion of 88.5 sf for the house in any nonconforming setback area, provided none of the expansion is located closer to a lot line than the nonconforming setback; 5 feet in this example.

The deck, an open structure, is setback 13 feet from the lot line, thus only 2 feet of the deck is in a nonconforming setback area. The deck is 12 feet deep, thus 24 sf of the deck is in a nonconforming setback area. A thirty percent (30%) expansion of 24 sf is 7.2 sq ft. A Type 2 Nonconformity would allow a maximum footprint expansion of 7.2 sf for the deck in any nonconforming setback area, provided none of the expansion is located closer to a lot line than the nonconforming setback; 2 feet in this example.
4. Current regulations allow an owner to expand upward over an existing structure located in a nonconforming area, and there is no specific limit on the amount of such an expansion. The proposed regulations separately consider each floor of a structure and the degree to which that floor/story is nonconforming in calculating the 30% expansion amount. For example, if the house in our example is a 3 story structure, and the total size (usable enclosed space) of each of the 3 stories is the same, the owner could expand each of the 3 floors in a nonconforming area by the same amount as the first floor; 88.5 sf.

5. Continuing, any amount of the expansion for an enclosed structure can be applied to the expansion of an open structure, and the enclosure of space (footprint) that is nonconforming on an open structure is allowed by using some or all of the amount (sf) of nonconforming expansion allowed for the enclosed structure. However, none of the amount of nonconforming expansion allowed for an open structure can be applied to an enclosed structure. General rule: enclosed area can be used for an enclosed area or an open area, however, open areas can only be used for open areas.

6. With respect to the garage, 312 sf of the garage (total footprint of 384 sf) is in a nonconforming setback area because the garage is only 2 feet off the property line. Thirty percent (30%) of 312 sf is 93.6 sf. Thus, the garage can be expanded by 93.6 square feet in any nonconforming setback area. In comparison, the current regulations would allow an expansion of 115 sf in the nonconforming area. The reason there is not that great of a difference between the two formulas is because a major amount of the garage is in a nonconforming area.