

PART C

SECTION I GENERAL REGULATIONS

ARTICLE 8 Area and Yard Requirements - Zoning Administrator Waivers

1. Additional Lot Coverage

The Zoning Administrator shall have the authority to approve additional structural coverage and additional parking surface coverage. The additional amount of each coverage shall not exceed five (5) percent over the maximum limits specified for the districts of the lots involved. When approving additional coverage for any lot the Zoning Administrator must find the following:

- a. The area of the lot is no more than 10,000 square feet;
- b. No additional dwelling units and no additional bedroom capacity will result;
- c. Light, air, and ventilation enjoyed by abutting properties will not be impaired; and
- d. No reasonable alternatives exist without the additional coverage.

2. New Structural Additions Within Required Side Yards

The Zoning Administrator shall have the authority to approve structural additions to nonconforming buildings where further encroachment into the required side yards would result. Approval of any such addition must be based on the following:

- a. The side yard encroachment of the existing building is found to be legal;
- b. The requested addition will come no closer to the side property line than the existing building;
- c. The side yard resulting from the requested addition will be no less than fifty (50) percent of the required side yard;
- d. Practical difficulties are found to exist making the requested addition necessary;
- e. No new dwelling units will result;
- f. The requested addition will not create any foreseeable adverse impact on adjacent properties; and
- g. The requested addition will not conflict with the requirements of applicable building code regulations.

3. Replacement of Existing Porches and Garages

The Zoning Administrator shall have the authority to waive yard, setback, and structural coverage requirements in order to permit replacement of a porch or garage, subject to the following findings:

- a. The porch or garage to be replaced has been in existence within six (6) months of the time the owner of the involved property duly files for a waiver with the Zoning Administrator;
- b. The porch or garage to be replaced when last standing is legally in existence as a nonconforming structure;

- c. The owner demonstrates that the involved property would be affected by practical difficulties without the requested waiver;
 - d. The replacement will have the same location on the property as the original porch or garage, will not exceed the applicable structural coverage restrictions any more than the original, and will not project horizontally or vertically into a required yard any farther than the original (Note: the finding requirement here does not restrict approval of a reduced-sized replacement or any enlargement, addition or location which meets the applicable area, yard, and height requirements for the property. Deviations from the original which do conflict with the applicable requirements must be authorized by appropriate variance or waiver approval. See paragraphs 1 and 2 above for administrative waivers);
 - e. The replacement will not create any foreseeable adverse impact on adjacent property; and
 - f. The replacement does not conflict with applicable building code restrictions.
4. Appeals to the Board of Zoning Appeals

The Board of Zoning Appeals shall hear variance requests for the lot coverages, additions, and replacements subject to the above paragraphs, upon denial by the Zoning Administrator, or in lieu of the Zoning Administrator, if the property owner chooses not to pursue an administrative determination. Because the Board of Zoning Appeals acts on variances through appellate jurisdiction, application to the Board must include either a decision of denial by the Zoning Administrator or a denial of permit from the Building Official";

Amended 4/14/97