

TO: Zoning Board of Adjustment  
FROM: Juliet Walker, Planning Department  
DATE: January 11, 2017 (revised January 12, 2017)  
RE: January 17, 2017 Zoning Board of Adjustment Meeting

**NEW BUSINESS**

1. 27 Baycliff Rd
2. 406 Route 1 Bypass



# NEW BUSINESS

## Case #1-1

Petitioners:	Timothy P. Lieto and Maureen M. Lieto
Property:	27 Baycliff Road
Assessor Plan:	Map 207, Lot 49
Zoning District:	Single Residence B
Description:	Reconstruct single-family home with attached garage.
Requests:	The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including Variances from Section 10.521 to allow the following: <ol style="list-style-type: none"> <li>1. A lot area of 7,749 s.f. where 15,000 s.f. is required;</li> <li>2. A lot area per dwelling unit of 7,749 s.f. where 15,000 s.f. is required;</li> <li>3. Continuous street frontage of 60' where 100' is required; and</li> <li>4. Building coverage of 21% where 20% is the maximum allowed.</li> </ol>

## Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Single Family residence	Single family residence	Primarily single family uses	
<u>Lot area (sq. ft.):</u>	7,7490	7,749.0	15,000	min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,7490	7,749.0	15,000	min.
<u>Street Frontage (ft.):</u>	60	60.0	100	min.
<u>Lot depth (ft.):</u>	113	113	100	min.
<u>Primary Front Yard (ft.):</u>	9	18	30	min.
<u>Right Yard (ft.):</u>	6'7"	10'2"	10	min.
<u>Left Yard (ft.):</u>	12	10'2"	10	min.
<u>Rear Yard (ft.):</u>	41'10"	47'4"	30	min.
<u>Height (ft.):</u>	20	25	35	max.
<u>Building Coverage (%):</u>	20%	21%	20%	max.
<u>Open Space Coverage (%):</u>	72%	77%	40%	min.
<u>Parking (# of spaces):</u>	2	2	2	min.
<u>Estimated Age of Structure:</u>	1950			

# Neighborhood Context

Aerial Map



## Previous Board of Adjustment Actions

No BOA history found.

## 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 #1-2

Petitioners:	406 Highway 1 Bypass, LLC, owner, Primary Brewing Company, LLC, applicant
Property:	406 Route One By-Pass
Assessor Plan:	Map 172, Lot 2
Zoning District:	Gateway
Description:	A restaurant with a 250-500 occupant load and related parking.
Requests:	The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following: 1. A Special Exception under Section 10.440, Use #9.43 to allow a restaurant use with an occupant load of 250 to 500 in a district where the use is only allowed by Special Exception.

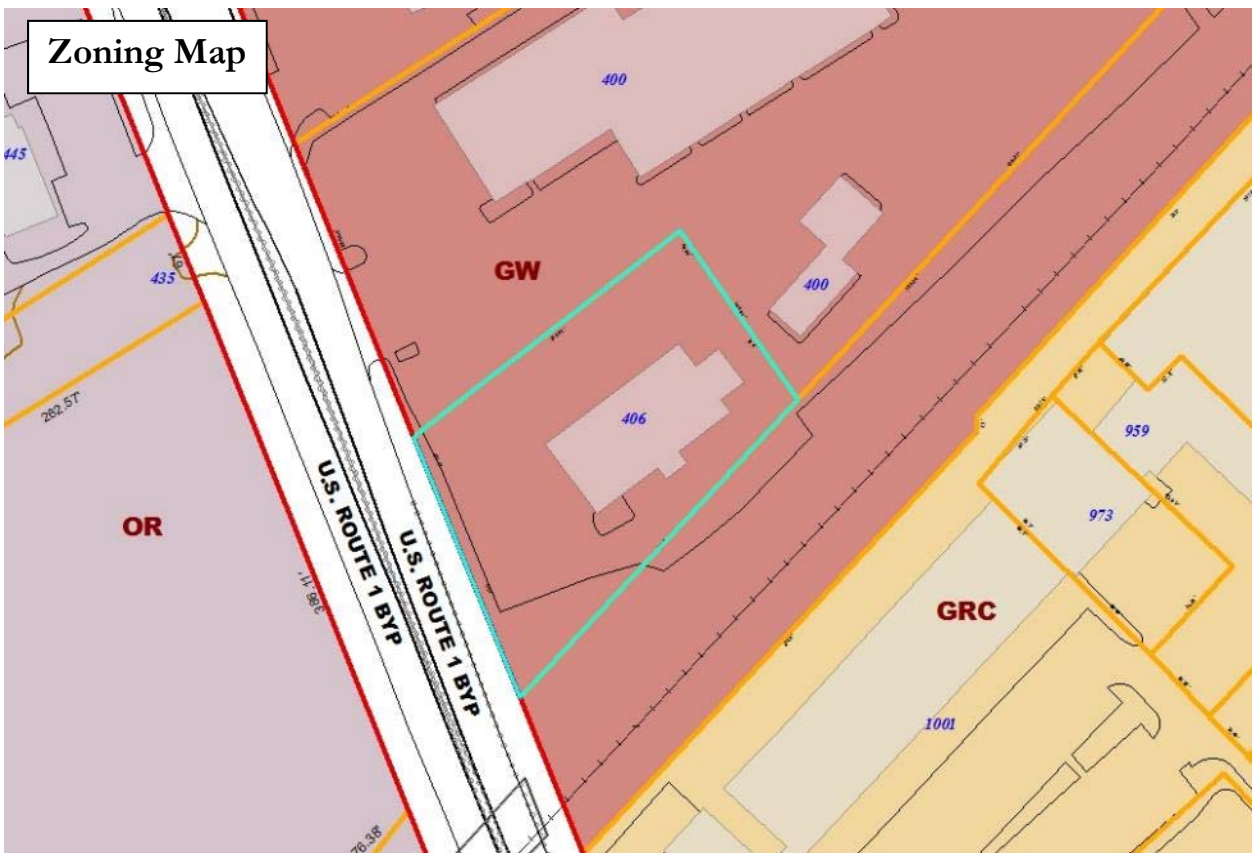
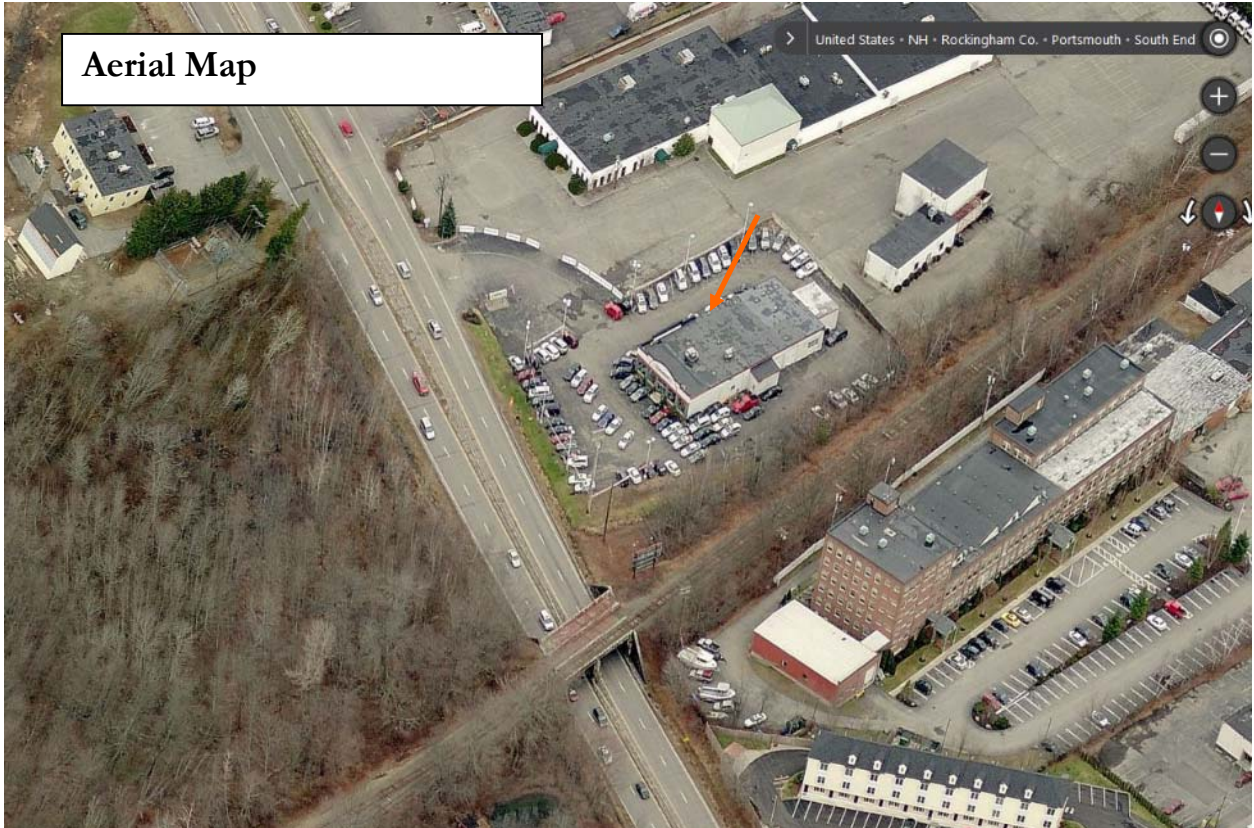
### Existing & Proposed Conditions

	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Restaurant / brewery (Gateway Planned Unit Development)	Primarily commercial uses
<u>Lot area (sq. ft.):</u>	1 acre	1 acre min.
<u>Floor Area Ratio</u>	0.33 (est.)	1.0 max
<u>Primary Front Yard (ft.):</u>	30	30 min.
<u>Right Yard (ft.):</u>	>30	30 min.
<u>Left Yard (ft.):</u>	>30	30 min.
<u>Rear Yard (ft.):</u>	>50	50 min.
<u>Height (ft.):</u>	58 (max.)	45-60 min/max.
<u>Building Coverage (%)</u> :	11.7	75 max.
<u>Open Space Coverage (%)</u> :	25.8	20 min.
<u>Parking (# of spaces):</u>	66	40 to 57 min.

### Other Permits Required

Planning Board Gateway Planning Unit Development Conditional Use Permit

# Neighborhood Context





## Previous Board of Adjustment Actions

August 21, 2001 – The Board **granted** variances to allow an automobile dealership: a) on a 42,364 s.f. lot where 2 acres was required; b) within 500’ of property zoned residentially where 500’ is the minimum required setback; and c) with outdoor display areas up to the property lines where 50’ was the minimum setback. The variances were granted with the following stipulations: a) that vehicles be displayed at existing pavement elevation; 2) that vehicle delivery by motor transport be unloaded on the property; and c) that parking and display of vehicles be limited to existing paved area.

September 18, 2001 – Subsequent to the above decision, the applicant applied to tear down the existing building and the Board **granted** variances to allow a 60’ x 130’ building to be built on the existing footprint with a 29’ rear yard where 50’ was required; a 27’ right side yard where 50’ was required; and no change to open space.

## Planning Staff Comments

Although the proposed project exceeds the maximum allowed parking, as that is a requirement of the conditional use permit for a Gateway Planned Unit Development, the applicant will need a waiver from the Planning Board and not a variance from the Board of Adjustment.

## 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.*