



Legislation Text

File #: 22-4876, Version: 1

ZBA#22-008: Request for a variance to Section 155.099(B)(5) of the Code of Ordinances to allow a reduction of the minimum setbacks for an accessory building at 720 Danvers Lane.; Zachary Cummings, owner

The applicant constructed an accessory structure with a height of approximately 12 feet without a building permit. The accessory building does not meet the minimum required setbacks in Section 155.099 (B)(5) of the Mansfield Code of Ordinance. The applicant is seeking a variance to allow a reduction in the required setbacks for the accessory building.

Accessory building setbacks are based on the height of the structure. The following are the setback requirements in Section 155.099 (B)(5) for an accessory building with a height of 10 to 12 feet:

- a. 11.5 feet from the rear property line. According to the plot plan, the accessory building is approximately 19 feet from the rear property line. A variance is not required for this setback.
- b. 9 feet from the side property line. The building appears to be approximately 1 foot from the side property line along Newport Drive. A variance will be required.
- c. 5 feet from the house or another accessory building. This measurement is not shown on the plot plan.
- d. 75 feet from the front property line or behind the rear facade of the main residential building that is furthest from the street. This measurement is not shown on the plot plan. The accessory building is shown to be forward of the rear façade on the plot plan.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 155.113 of the Code of Ordinances, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done

Attachments

Maps and supporting information
Site plan and exhibits
Photographs of the property
Provisions of Section 155.099(B)(5)