



TOWN OF LEDYARD

Land Use Department

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MEMORANDUM FOR THE RECORD ZBA MEETING -03/15/2023

Applicant: Casey Campbell
Owner: Casey Campbell
Address: 66 Iron St., Ledyard CT (MBL 54/1110/66)

Variance requested: Applicant/Owner Requests an 8' variance of the minimum required 15' front yard setback per ZR Sec. 5.2 (Dimensional Requirements: Residential Zoning Districts) to allow for the construction of a detached garage.

STAFF COMMENTS:

66 Iron Street is located in the R-40 Medium Density Residential District on 1.12 (48,787sf) with approximately 150' of frontage on Iron Street. The site is developed with a single-family residence with three attached decks all within the building envelope for the lot.

Applicant proposes to remove the small deck (right of the house) and construct a 24' x 24' garage at the end of the existing driveway and partially within the side yard setback area. The Applicant's claimed hardship is that natural topography of the parcel and abundance of ledge prevent the garage from being located elsewhere. The location of the waterline is also a limiting factor. If the garage were shifted further toward the house, the 2nd deck – which contains access to the house, would have to be removed, and there would no longer be a direct access to the septic system in back (for pumping) as access around the side would be complicated by the presence of ledge.

The law is clear that the applicant must show that because of some unusual characteristic, that is unique to his property, the literal enforcement of zoning regulations (in this case the side yard setback requirements) would result in exceptional difficulty or unusual hardship. This may in fact be the case with this application. However, the Commission must also find that the denial of this variance would deny the applicant all reasonable use of his property. As with nearly all variances sought for parcels that contain a principal use, this is essentially impossible, as the applicant certainly has reasonable use of his property (single-family residence).

While the proposed location of the garage is certainly the most logical location at the end of the existing driveway and am fairly certain there will be little objection to the proposed location, my job as staff is to explain the law with respect to variances and advise you of the possibility of appeal should the Board does not adhere to the strict standards for granting a Variance. You are, however, free to vote as you like and run the risk of appeal. **Please note** that whether you vote to approve or deny the requested variance, you must state for the record the reason for your decision

and specifically describe the exceptional difficulty or unusual hardship - or lack thereof - on which your decision is based.

If the Board is inclined to grant the variance, the following language is suggested:

"I make a MOTION to GRANT the variance as requested in Application #966 at 66 Iron Street, Ledyard CT to reduce the required side yard setback from 15ft per ZR Sec. 5.2 (Dimensional Requirements for Residential Zones) to 7ft to allow for a 24' x 24' detached garage to be located a distance of 7' to the side property line as depicted on the map submitted with the Application. The setback is only reduced in the area of the proposed garage.

The findings for the granting of the variance are unique to this property and the variance would be in the harmony with the general intent and purpose of the Regulations and would conserve the public health, safety, convenience, welfare and property values; and

The exceptional difficulty or unusual hardship on which the decision is based is as follows:

BOARD SHALL LIST ITS FINDINGS HERE:

- i.e. *Water line runs up the driveway and in front of the house*
 Significant amount of ledge in front yard and rear yard preventing alternative locations off the existing driveway. Yard slopes down immediately behind the deck – and septic tank located directly behind the house
 Large are of exposed ledge immediately behind the location of the proposed garage.

If the Board is inclined to deny the variance, the following language is suggested:

"I make a MOTION to DENY the variance as requested in Application #966 at 66 Iron St., Ledyard, CT to reduce the required side yard setback from 15ft per ZR Sec. 5.2 (Dimensional Requirements for Residential Zones) to 7ft to allow for a 24' x 24' detached garage to be located a distance of 7' to the side property line as depicted on the map submitted with the Application.

THE BOARD SHALL LIST ITS REASONS FOR THE RECORD HERE:

- i.e. *The applicant is not being denied reasonable use of his property.*
 Garage could be located within the required setbacks if both decks were removed.
 Possible location exists in the front yard area if ledge can be removed.

Respectfully submitted,
Juliet Hodge, Director of Planning & Development