

Section 6.2 Proposed Language

6.2 Except as provided in this subsection, a nonconforming structure or use shall not be extended or enlarged in any manner except as may be permitted as a variance. The following requirements shall apply to expansion or enlargement of structures which are nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height, or setback requirements.

b. The Board of Zoning Appeals may permit: the extension or enlargement of a single family detached dwelling; the extension or enlargement of a residential accessory structure located ten (10) feet or greater from a property line; or the development of a residential accessory structure as a conditional use in accordance with Section 8.3 and 8.7 where a lot size, lot width, lot frontage, lot coverage, height or setback nonconformity exists provided the following criteria are met:

1. Shall not increase lot coverage above 50%; and,
2. If the existing structure is nonconforming in relation to setbacks, the new structure shall not extend closer to the lot lines than the existing structure to be replaced; and
3. Shall not create or compound a violation of the height restrictions in Section 5.20. [Amended 7/24/06], and
4. No part of the extension or enlargement of the structure may be closer than ten (10) feet from any lot line.

The proposed language would specifically include an allowance for residential accessory structures. They would essentially be treated the same as single family dwellings in setback requirements.

This would negate the need for the detached structure in question to be attached to the home.

