

Section 6.9 Proposed Language

6.9.1 Except for lots located in the Water View Overlay District the relocation or tear down either wholly or partially of a dwelling, dwellings or residential detached accessory structure which is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height, or setback requirements, is permitted provided the resulting structure(s) is not located between the lot lines and the required setback lines and does not compound nor create a lot coverage or height violation.

6.9.2 The Board of Zoning Appeals may allow by conditional use in accordance with Section 8.3 and 8.7, the relocation or replacement either wholly or in part of a dwelling, dwellings, or residential accessory structure located on a nonconforming lot. As a condition of the approval, the lot shall be consolidated with any adjoining lot or lots in common ownership and not occupied by a dwelling, to form one or more conforming lots so far as possible with regard to the lot area and width requirements of this Ordinance. The following additional criteria shall be met:

- a. Shall not increase lot coverage above 50%; and,
- b. If the structure(s) is nonconforming in relation to setbacks, the new structure(s) shall not extend closer to the lot lines than the existing structure(s) to be replaced; and
- c. Shall not create or compound a violation of the height restrictions in Section 5.20 ,and
- d. No part of the extension or enlargement of the structure(s) may be closer than ten (10) feet from any property line, and
- e. Two off-street parking spaces for each dwelling unit shall be provided.

The proposed language would allow an applicant, with approval from the BZA, to teardown and rebuild a new home up to the edge of the current nonconforming building location but in no case can the new structure be closer to the property line than 10'

This would allow for a property owner to take advantage of their current nonconformity while still being required to meet the remainder of the district setbacks.

