

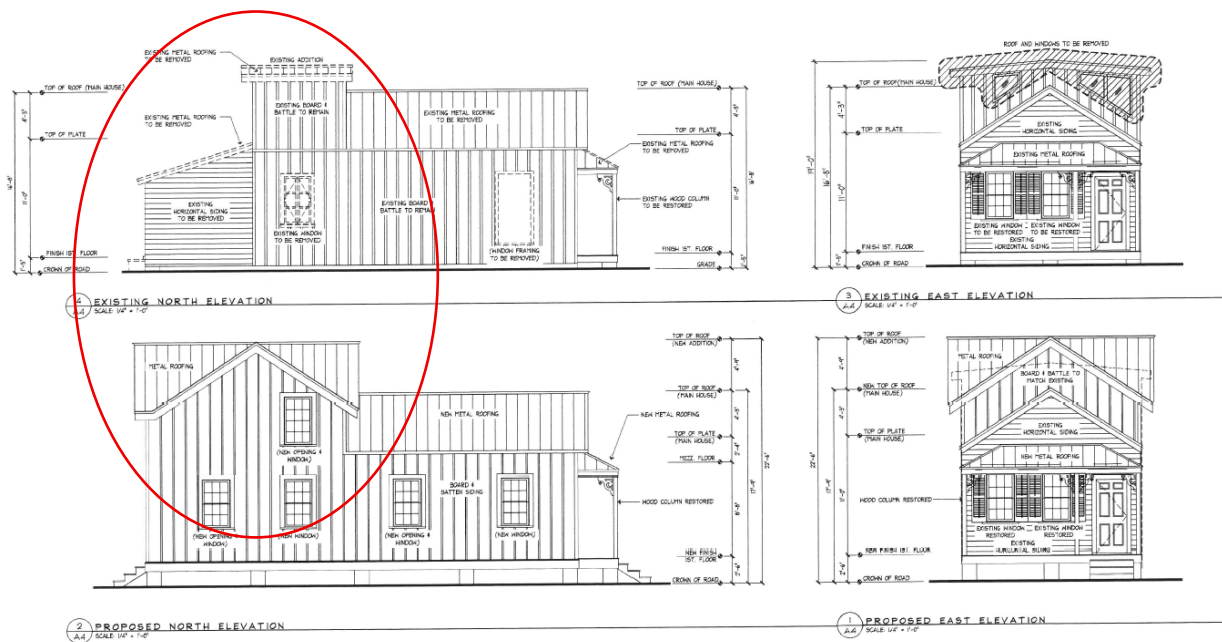
Background & Request

The subject property is a 1,540 square-foot parcel located at 906 Packer Street, within the HHDR Zoning District. The variance is triggered by the request to build additional habitable space in the form of a second floor addition while also raising the house to flood.

SITE DATA

Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	4,000 sq. ft. MIN	1,540 sq. ft.	No Change	
Building Coverage	50% MAX	51%	51%	No Change
Impervious Surface	60% MAX	53%	0.32%	Improvement
Open Space	35% MIN	47%	45%	No
SETBACKS				
Front Setback	10'	9' 6"	9' 6"	No Change / Yes
Side Setback	5'	2'1"	2'1"	No Change / Yes
Side Setback	5'	3'3"	3'3"	No Change / Yes
Rear Setback	20'	20' 7"	20' 7"	No Change

Existing / Proposed Site Plan



Process:

Planning Board Meeting:	November 20, 2025
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

The lot is far smaller than the minimum lot size and restricts the applicant.

IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The applicant bought the home in its existing condition and rather than expand on the footprint is elevating to flood and building a second story addition.

IN COMPLIANCE

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

The Variance request is for additional habitable space in the setbacks, rather than go any further into the setbacks the application proposes to build a second story instead. Granting the variance would not confer special privileges as the setbacks are existing and not changing.

IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. As most other properties have far more land to work with.

NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is the minimum granted, as they are not changing or expanding any setbacks.

IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

IN COMPLIANCE

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing nonconforming uses of other properties are not the basis of this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

As of October 30th, staff have received no letters of objection or support for the item.

Recommendation:

The variance request variance to the minimum required front yard setback and both side yard setback requirements in order to build a second story addition at the property located at 906 Packer Street does meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **Approved**.

If the Planning Board chooses to approve the variances, the Planning Department recommends the following conditions:

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed plans on October 30th, 2025 by Haven Burkee-Rogers of Bender & Associates Architects.