

INTERIM ZONING REGULATION

REVISED SETBACKS FROM BOUNDARY LINES AND RIGHTS-OF-WAYS

Approved July 21, 2010

Changes to 1975 Zoning Regulations:

1975 Version:

4.14 "SETBACK": the distances between any structure, or any part thereof, and the side property lines of the parcel on which said structure stands; also the distance from a public road or public right-of-way to or past said structure.

7.4 Without a variance, no building or structure or part thereof shall be located closer than 40 feet to the side property line or 60 feet to the edge of a public right of way or 85 feet to the center of the traveled portion of a public right of way, which ever distance is the greater. An "on-premises" sign advertising a home occupation is exempt from the public right of way setback provision but not the side property line set-back provision.

New Version

4.14 "SETBACK": the distances between any structure, or any part thereof, and any property lines of the parcel on which said structure stands; also the distance from center line of the traveled portion of any public right of way and private right-of-way, to or past said structure.

7.4 Without a variance or waiver, no building or structure or part thereof shall be located closer than 20 feet to any property lines and 45 feet to the center of the traveled portion of any public right of way and private right-of-way, which ever distance is the greater. An "on-premises" sign advertising a home occupation is exempt from the public right of way setback provision but not the side property line set-back provision.

New Section:

7.4.1. **Waivers for Setbacks.** In accordance with the Act [§4414(8)], the Zoning Board of Adjustment may waive, subject to appropriate conditions, the setback requirements in 7.4.

7.4.1.1. The applicant shall be required to establish that due to the special circumstances of a particular site including the location of the existing structures, the setback standards for which waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations.

7.4.1.2. The request for a waiver shall be submitted in writing by the applicant to the Zoning Administrator with sufficient information to justify the waiver and to enable the Zoning Board of Adjustment to make the findings cited below and make a decision. The Zoning Board of Adjustment may grant or deny waivers, in whole or in part.

7.4.1.3. In granting waivers, the Zoning Board of Adjustment may require such conditions as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the setback requirements in Section 7.4, the Zoning Board of Adjustment shall make the following findings including the rationale for each finding:

7.4.1.3.1. the setback standards for which the waiver is sought will create an unreasonable hardship on the applicant,

7.4.1.3.2. granting the waiver will be consistent with the purposes of these regulations, and

7.4.1.3.3. That granting the waiver will not create an undue adverse affect on:

7.4.1.3.3.1. natural resources, rural character, or aesthetics

7.4.1.3.3.2. public safety,

7.4.1.3.3.3. the character of the neighborhood, and

7.4.1.3.3.4. the ability of an abutter to use their property.

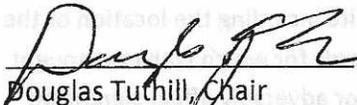
7.4.2. **Administrative Waivers** may be granted by the Zoning Administrator for development within the setback for:

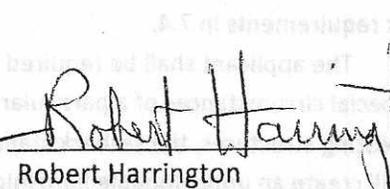
7.4.2.1. Structures providing for disability accessibility, fire safety, and other requirements of law;

7.4.2.2. Additions within the setback to pre-existing non-conforming structures that do not decrease the setback from a specific property line to less than the existing setback of the same structure to that property line and with a floor area (footprint) within the setback area no greater than 25% of the floor area of the existing structure within the setback area.

Approved July 21, 2010

Pomfret Selectboard


Douglas Tuthill, Chair


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