

Hamilton Setback Solutions

Changes to all Residential Setback Standards (R-2 District changes given as an example)

Article 4, Section 2.7 (1) of the Hamilton Zoning Ordinance

2.7 Yard and Setback Standards

1. Single-family Dwelling:

Minimum Front yard: Twenty (20) feet minimum, Thirty feet maximum, except in developed areas where the front or side yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings.

Minimum Side yard: Seven and ½ feet. For all single-family dwellings and their accessory structures, the side setback shall be seven and ½ feet (7.5), provided that one (1) side yard may be reduced to five (5) feet. The aggregate width of both side yards on any lot shall not be less than thirty (30) percent of the required width of the lot, provided that on interior lots no primary structure shall be located closer than twenty-five (25) feet from a rear lot line.

Minimum Rear yard: Twenty-five (25) feet.

Article 4, Section 2.9 of the Hamilton Zoning Ordinance (2.9? After Renumbering)

Non-Conforming Lot Provision: Where there are existing recorded lots within the Town of Hamilton, which do not meet the minimum lot area and/or width requirements, single-family dwellings may reduce the required yard standards set out in per Article 4, Section 2.7 (1) of the Hamilton Zoning Ordinance up to 50%, as long as a side yard shall be not less than five feet and the sum of the side yards shall be not less than 10 feet and as long as all other requirements, except lot size and lot width, are met

Non-Conforming Changes

Article 5, Section 3 of the Hamilton Zoning Ordinance:

Section 3. ~~Buildings~~ Structures Non-conforming in Yard, Setback, Height or Bulk Standards

A ~~building~~ structure non-conforming only as to yard, setback, height or bulk standards may be altered or extended, provided such alteration or extension does not increase the degree or square footage of the non-conformity in any respect. ~~unless such alteration or extension is expanded along the nonconforming setbacks or to the existing nonconforming height.~~

However, the expansion of a legally established nonconforming structure into the required front, side or rear yard shall be permitted provided the expansion does not encroach into the required yard any greater than the existing encroachment.

Article 5, Section XX of the Hamilton Zoning Ordinance:

Legal, Non-Conforming Structure Maintenance /Rebuild

Existing legal nonconforming structures, other than signs ,may be restored or replaced when such structures become unsafe or unsound. A relocation on the same lot may be approved by the zoning administrator, provided the new location is not in greater nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.

Article 5, Section 5 of the Hamilton Zoning Ordinance:

Section 5. Destruction of a Non-conforming Use

~~No building structure which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall be restored, repaired, replaced, or used except in conformity with the regulations of this Ordinance unless such restoration, repair or replacement and use is approved as a special exception by the Board of Zoning Appeals under Article 11. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve months **eighteen months** of the date of such damage.~~

Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure be damaged or destroyed by any means other than a natural disaster or other act of God, the structure or portion thereof may be re-constructed or restored provided its degree of nonconformity is not increased beyond that which existed just prior to such damage, except to comply with the Virginia Uniform Statewide Building Code. If such structure is damaged greater than 50% and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so, provided that all necessary permits are obtained and all work is done in compliance with the provisions of the Uniform Statewide Building Code, and provided that such repair, reconstruction, or replacement be accomplished within two years of the date of the natural disaster or other act of God.