

DRAFT PROPOSAL  
1/12/09

COPY TO: (4) TPC  
RES  
2A

### 4.3 Supplementary Regulations

#### 3. Non-conforming (Grandfathered) Lots

Jen

Any non-conforming lot (does not meet current dimensional requirements of the zone in which it lies) that was created and recorded prior to the adoption of zoning on Madeline Island in September of 1972, is considered to be Grandfathered, and shall be eligible for relief as to the undertaking of construction on said lot as described in the paragraphs that follow.

- A. If a lot is non-conforming by virtue of having less area than is required for the zone, the amount of relief allowed in meeting setback requirements will be in the same ratio as the ratio in which it is deficient. For example, if the area requirement in the zone is 3 acres, and the lot has only 2 acres (67% of the required acreage) then the owner will be allowed to decrease the setbacks (front, rear, and side) to 67% of the stated required setbacks.
- B. If a lot is non-conforming by virtue of having less width than is required for the zone, the amount of relief allowed in meeting setback requirements will be in the same ratio as the ratio in which it is deficient. For example, if the width requirement in the zone is 80 feet, and the lot is only 60 feet wide (75% of the required width) then the owner will be allowed to decrease the setbacks (front, rear, and side) to 75% of the required setbacks.
- C. If a lot is non-conforming because neither area nor width meets the requirements in the zone, then relief can be granted according to the formula that allows the greater amount of relief of the two.
- D. Regardless of how great the difference between the required dimension and the actual dimension, the maximum amount of relief allowable under this ordinance shall be 50%.
- E. Any person owning a Grandfathered lot, as defined in this ordinance, whose issues cannot be resolved with the relief granted herein, is allowed to apply for a variance from the Zoning Board of Appeals at 50% of the then posted fee for the filing of a variance.

END

