



4.3 Supplemental Regulations

4.3.3 Non-Conforming Grandfathered Lots

Any lot which does not meet current dimensional length, width or area requirements of a District as specified in Section 3 of this Ordinance is considered to be “non-conforming”. Any lot created and recorded prior to May 26, 1972 or becomes non-conforming because of a subsequent revision of the dimensional requirements of the Town of LaPointe Zoning Ordinance after May 26, 1972 or because of the construction of public roadway by the Town of LaPointe or Ashland County, is considered to be “Grandfathered”.

4.3.3.1 Setback Relief for Non-Conforming Grandfathered Lots

Non-Conforming Grandfathered lots shall be eligible for relief from the setback requirements specified in Section 3 of this Ordinance as described in the following:

- A. If a lot is non-conforming by virtue of having less area than is required for the District, the amount of relief allowed in meeting setback requirements will be in the same ratio in which it is deficient. For example, if the area requirements in the District is three (3) acres and the lot has only two (2) acres (67% of the required acreage) the setbacks, except the shoreline setback, will be decreased to 67% of the setback requirement in Section 3 of this Ordinance.
 - 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 the 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 eighty (80) feet and the lot is only sixty (60) feet wide (75% of the required width) the setback will be decreased to 75% of the width setback required in Section 3 of this Ordinance.
 - C. If a lot is non-conforming because both the area and the width fail to meet the required requirements of Section 3 of this Ordinance, then relief shall be according to the formula that allows the greater relief.
 - D. Notwithstanding the relief allowed under the preceding Sub-Sections A, B, and C, the maximum amount of relief allowed under this Section shall be 50% of the setback requirements of Section 3 of this Ordinance.
- 4.3.3.2 Any property owner of a non-conforming grandfathered lot aggrieved by the dimensional requirements of Section 3 of this Ordinance which are not relieved by the provisions of 4.3.3.1 may apply for a variance to the Zoning Board of Appeals.
- 4.3.3.3 Alteration of a Non-Conforming Grandfathered Lot

Notwithstanding the provisions of Section 4.2.5 of this Ordinance, alternation or reconfiguration of a non-conforming grandfathered lot may be permitted subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map provided it results in one or more of the following:

- A. The lot becomes conforming to the dimensional requirements of Section 3 of this Ordinance and loses its grandfathered status.
- B. The lot becomes less non-conforming in area but retains grandfathered status.
- C. The lot becomes less non-conforming in width but retains grandfathered status.
- D. A setback encroachment of a lawfully constructed structure is eliminated but retains grandfathered status provided it still does not meet the dimensional requirements of Section 3 of this Ordinance.

