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**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

**FROM:** Alex Nelisse-Blankenship, AICP, Senior Planner / Zoning Officer

**CC:** Vic Whitney, Legal Counsel; Daryl Hennessy, City Manager;  
Carla Odebralski, Director of Planning and Engineering

**SUBJECT:** 100 North Street, Conditional Use, Continuance

**DATE:** February 17<sup>th</sup>, 2026

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**Action Being Requested**

The applicant is requesting approval of a conditional use at 100 North Street, parcel #41714414010000, as shown in Figure #1 below. The Sunbury process provides for conditional use applications to be approved by the Planning and Zoning Commission, with no action from Sunbury City Council required.

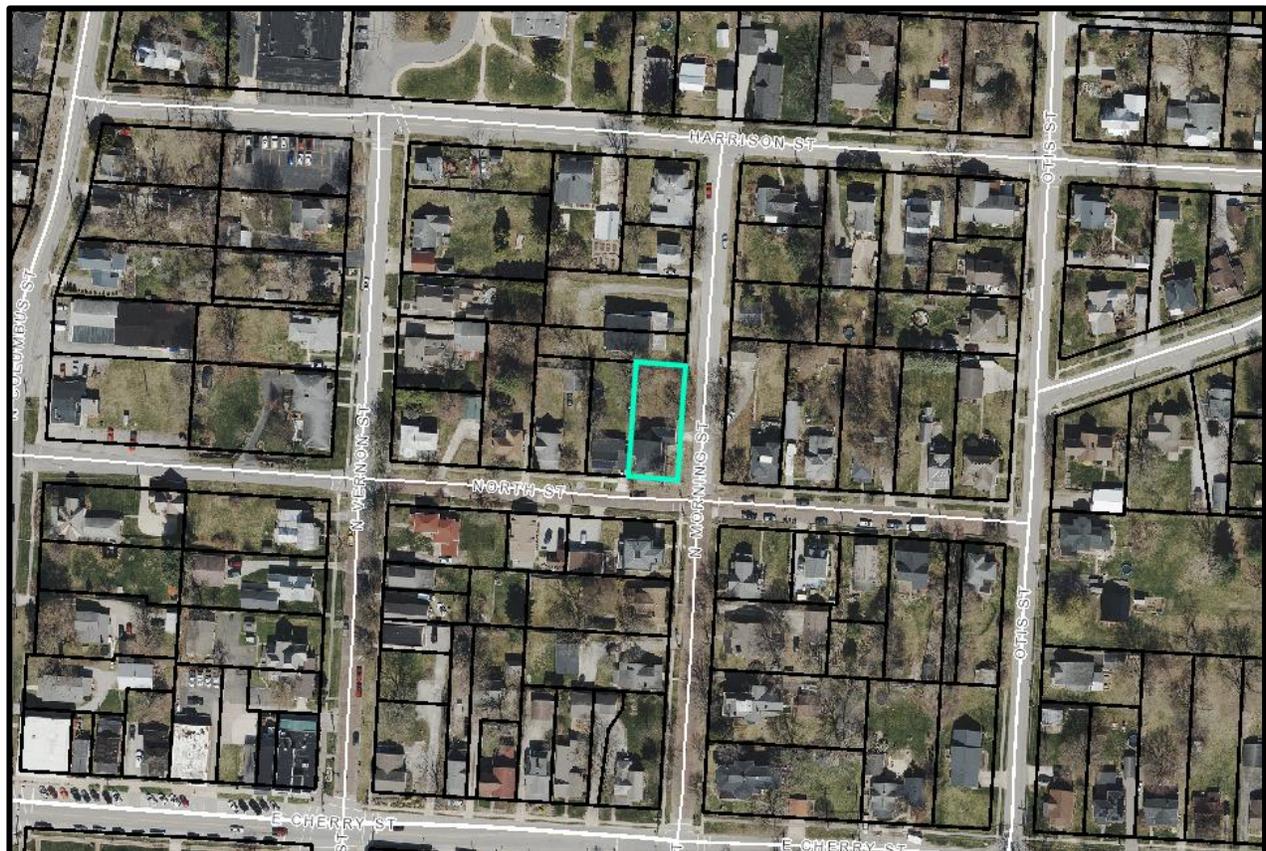


Figure 1: Property Location



## **Project Summary**

The applicant has submitted an application to construct a porch on an existing concrete pad attached to their home. The home currently sits approximately 35 feet from the centerline of North Street and is located within the required 75-foot setback for the Low-Density Residential (R-3) District. Because the structure does not meet current setback requirements and was established prior to the adoption of the zoning ordinance, the applicant is requesting conditional use approval to extend a nonconforming structure. In Figure 2 below, you can see the location and distance of the concrete pad where the front porch will be located. The applicant has stated that the proposed porch would use consistent materials, style, and scale of those found within the neighborhood. On the following pages are Figure 3 and Figure 4, which show a front elevation including the proposed porch and the current front elevation of the home, respectively.



Figure 2: Aerial View of the Property showing the location of the concrete pad (red arrow) and the distance between the concrete pad and the centerline of North Street (30 feet).

## **Submitted Materials**

The applicant has submitted all necessary items required for a conditional use application, including:

- Completed Application
- Narrative Statement
- Proposed Site Plan
- Property Owners within 200ft or adjacent
- Drawing of the Proposed Porch

## **Staff Comments**

1. This project requires conditional use approval because it proposes an extension to the existing home, which is located within the required building setback. The home was constructed prior to the adoption of the zoning ordinance establishing this setback and is therefore considered a legal nonconforming structure. Any expansion of a nonconforming structure requires approval of a conditional use permit.
2. This style of porch and its location are both consistent with other properties in the area and in the R-3 zoning district, including multiple neighbors on the west side of the subject property.
3. In the historic areas of Sunbury, most of the homes have similar nonconforming structures that do not comply with setback requirements. This



- situation is being addressed in our latest zoning code update which should take effect later this year.
4. With the overall consistency with the neighborhood and minimal impact on the adjacent neighbors and roadways, staff would recommend this conditional use for approval.

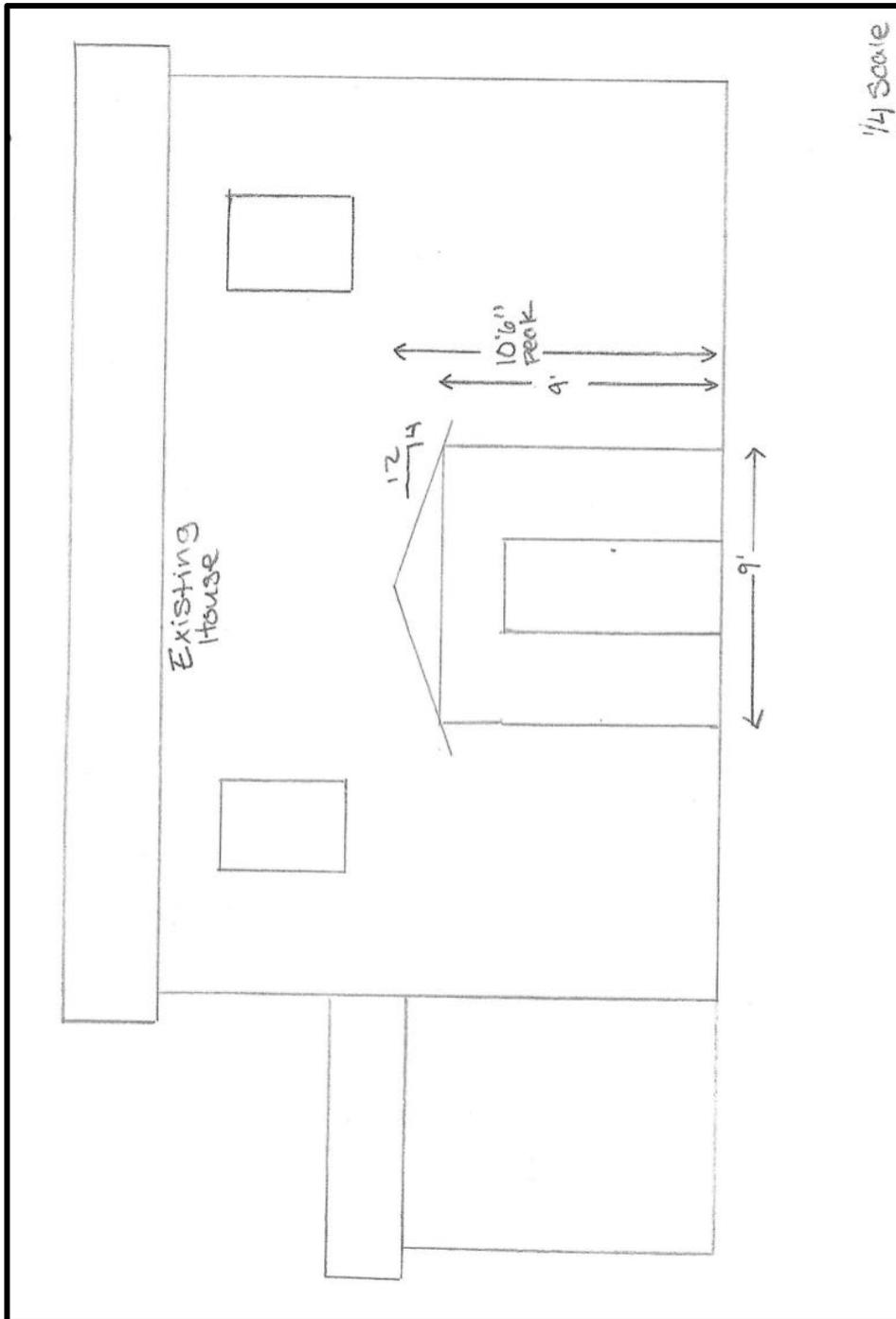


Figure 3: Front Elevation including the proposed front porch



Figure 4: Front Elevation of Existing Home



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## **Applicable Zoning Language**

– [Section S81.15.04 Low Density Residential District \(R-3\)](#)

– Section S81.07.02 CONTINUANCE

- The lawful use of any lot, structures, uses of land structures, and characteristics of use, as existing and lawful at the time of enactment of this Ordinance or amendments thereto, may be continued, although such use does not conform with the provisions of this Ordinance or amendments. If no structural alterations are made, any non-conforming use of a structure or structure in premises, lots or characteristics of use, may, as a conditional use, be changed to another non-conforming use, provided that the Sunbury Planning and Zoning Commission finds that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance.

No non-conforming building or use may be enlarged, extended or otherwise expanded except upon the granting of a conditional use permit issued by the Sunbury Planning and Zoning Commission pursuant to Section S81.03.15 and this section. The Commission shall have the power to permit changes and extensions of nonconforming uses as follows:

1. A nonconforming use of less objectionable nature may be substituted for an existing nonconforming use.
  2. An existing, legal nonconforming use which occupied only a portion of an existing structure premises may be extended throughout such structure or premises.
  3. The alteration or reconstruction of a nonconforming use or building provided that such will make the nonconforming use substantially more in character with its surroundings.
  4. The extension of the nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings.
  5. Any extension, alteration or reconstruction shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this ordinance.
- The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.
- Section S81.11.31 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS
- In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Section S81.06.08 of this Ordinance.
- Section S81.11.36 ACTION BY THE SUNBURY PLANNING AND ZONING COMMISSION
- Within thirty (30) days after the public hearing required in Section S81.11.32 the Commission shall either approve, approve with supplementary conditions as specified in Section S81.11.31, or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the Zoning Inspector



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to issue a conditional zoning permit listing the specific conditions specified by the Commission for approval. If the application is disapproved by the Commission, the applicant may seek relief through the Court of Record.

- [Section S81.11.27 through Section S81.11.37](#)