

Section 4: Application for a Variance
True, 9 Foss Farm Road, map 6, lot 2.4

Facts supporting the request:

1. *No decrease in value of surrounding properties would be suffered because:*

Once the new structure is completed, the existing one story dwelling and garage will be removed thereby enhancing not only this property but the neighboring properties as well.

2. *Granting the variance would not be contrary to the public interest because:*

The area is zoned residential and the new structure will serve as a residence. The new residence will be a significant improvement over the existing dwelling in both appearance and energy efficiency:

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(B). *Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Between the 75 foot buffer and the side and front yard setbacks, the steepness of the site and the presence of ledge along the north and east property lines, the area left over for building the new structure and potential future septic system is significantly limited. Both the buffer zone and the front yard setbacks are already compromised (the existing garage). Granting this variance will eliminate the front yard setback issue and will result in the maintenance of a nearly 60 foot buffer for 26 feet long the south edge of the new structure.

4. *By granting the variance substantial justice would be done because:*

The new structure will have a footprint that is 40% smaller than the existing structures (756 SF v. 1260 SF), the new structure will be far more energy efficient, the removal of the existing structures will greatly improve the neighborhood and storing vehicles in the garage rather than out in the weather means far less chance of oil, gas and salt contaminating the soil.

5. *The use will not be contrary to the spirit and intent of the ordinance because:*

Once the existing structures are removed, there will be far less impervious material and far more pervious material on site. The existing garage which currently sits completely in the front yard setback as well as completely in the buffer zone will be removed. The garage is 240 SF. The new structure is 756 SF but only 420 SF will encroach on the buffer zone and all of the structure will observe the required front and side yard setbacks.