

Compliance Statement & Application for Proposed Land Use

Application # LU-21-191

October 25th, 2021

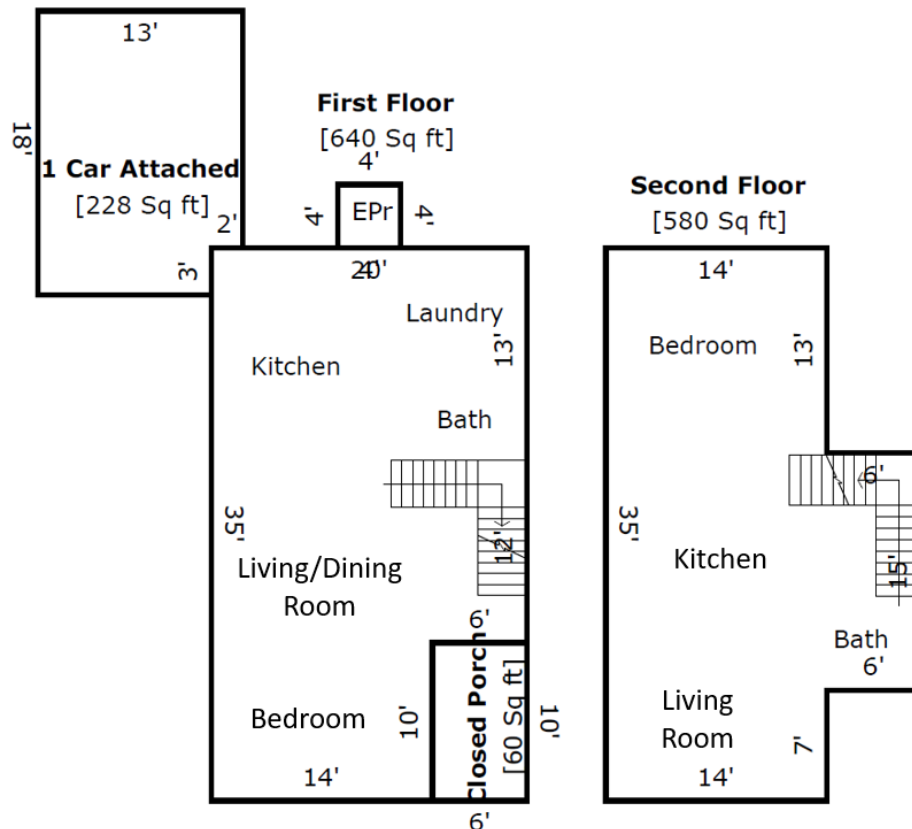
This application is to convert a single-family dwelling into a two-family dwelling, by way of a variance of Section 10.521. The dwelling existed before January 1st, 1980, and the requested variance is for a lot area per dwelling unit of 1,219 where 3,500 is required.

No interior or exterior construction or reconstruction is planned, unless deemed necessary to comply with the Ordinance. If deemed necessary, construction will not commence until a building permit has been obtained and approved.

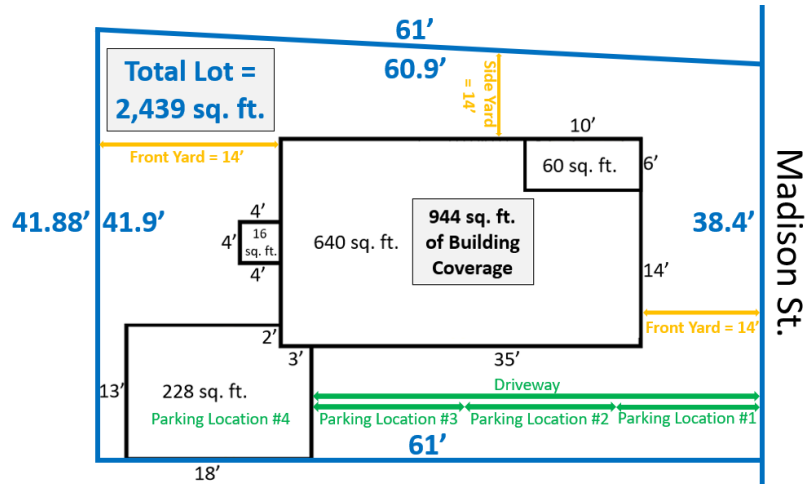
Please see below in red for justification of compliance to specific regulations.

Dwelling and Lot information;

- **Description:** Single-family New Englander, build in 1880, with separate living quarters on the second floor
- **Floor Plan:**



- **Building Coverage, Lot and Yard Layout:**



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- **Exterior Photos:**



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- **First Floor Photos:**



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- **Second Floor Photos:**



Zoning Ordinance Variance Regulations;

- 10.233 Variances
 - 10.233.10 The Board may authorize upon appeal in specific cases a variance from the terms of this Ordinance.
 - 10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:
 - 10.233.21 The variance will not be contrary to the public interest;
 - In Compliance: The dwelling is already set up as a two-family and has been used as a two-family in the past by the previous owner, so no tangible changes will be noticed by the public. Approval of this variance and proposed land use will only serve public interest by; following the legal process, increasing property value, and increasing tax revenue.
 - 10.233.22 The spirit of the Ordinance will be observed;
 - This application should serve as suitable justification for the spirit of the ordinance being observed (when the dwelling is already set up as a two-family). The owner wishes to bring the dwelling and lot into full compliance, by means of following the ordinance and legal process.
 - 10.233.23 Substantial justice will be done;
 - I have read, interpreted and provided justification to the cities zoning ordinance to the best of my ability. Furthermore, I have had multiple conversations with members of the cities planning board, trying my best to navigate both the ordinance and the process.
 - 10.233.24 The values of surrounding properties will not be diminished; and
 - In Compliance: Converting this dwelling to a legal two-family will increase the property value and taxes, which will help, not diminish the value of surrounding properties.
 - 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
 - 10.233.30 For purposes of section 10.233.25, “unnecessary hardship” means that one of the following conditions exists:
 - 10.233.31 Owing to special conditions of the property that distinguish it from other properties in the area, (a) no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and (b) the proposed use is a reasonable one. (Under this provision, an unnecessary hardship shall be deemed to exist only if both elements of the condition are based on the special conditions of the property.)
 - 10.233.32 Owing to special conditions of the property that distinguish 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. (Under this provision, an unnecessary hardship shall not be deemed to exist if any reasonable use, including an existing use, is permitted under the Ordinance.)
 - I find this application to be a reasonable request for the following reasons;

- I'm not attempting to change anything, but to solely bring a recently purchased dwelling that has been used as a two-family (and is set up as a two-family) into full legal compliance.
- The lot and dwelling nearly applies to the Ordinance's Special Exception clause, except the building coverage is 3.7% more than is allowed.
 - I could remove the garage to lower the building coverage, but I don't find that to be a reasonable solution.
- When compared to other dwellings in the neighborhood this proposed land use looks to be reasonable, and rather common.

Sincerely;

A handwritten signature in black ink that reads "Jacob Boucher". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jacob Boucher