

Board of Adjustment,

We are applying for consideration in obtaining a variance for a proposed deck addition on our property at 217 Myrtle Ave.

Due to the orientation of our property (corner lot on Myrtle Ave and Emery Street), we have a secondary front yard that does not adhere to the 30' setback. The main house structure is nonconforming, and our proposed deck will also be nonconforming, though not more so than the current house.

Additionally, our corner lot's secondary front yard (Emery Street) is visually much larger than the property line would indicate due to the city's land use for drainage and a culvert immediately abutting our property. From the street view and if the property line were normal, the proposed deck would appear to adhere to the setback requirement.

This "deck" is more of a small landing 6' x 8', from which we can access our backyard. We currently do not have direct backyard access to our living space.

To address the 5 criteria for the variance:

10.233.21 The variance will not be contrary to the public interest;

We propose a small deck that nests into our current house footprint. It is not any more nonconforming than the house and it is not visible to any of our adjacent neighbors. Also, the public view is comparable to a compliant deck due to the city-owned land abutting the property.

10.233.22 The spirit of the Ordinance will be observed;

We are not proposing a major addition in our use of land, we've scaled down our deck so that it is the smallest possible footprint while remaining functional for our needs. Visually, from Emery Street, the deck addition will adhere to the spirit of the Ordinance due to a parcel of city-owned land.

10.233.23 Substantial justice will be done;

Allowing us to have a deck will give us direct access to our backyard, which we eventually intend to fence in, giving us full and unimpeded use of our outdoor living space.

10.233.24 The values of surrounding properties will not be diminished;

The deck is not visible from any direct neighbors and would not negatively impact the value of any adjacent properties. The style of the deck will be visually attractive and will enhance the value of our property and thus our neighbors' property as well.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

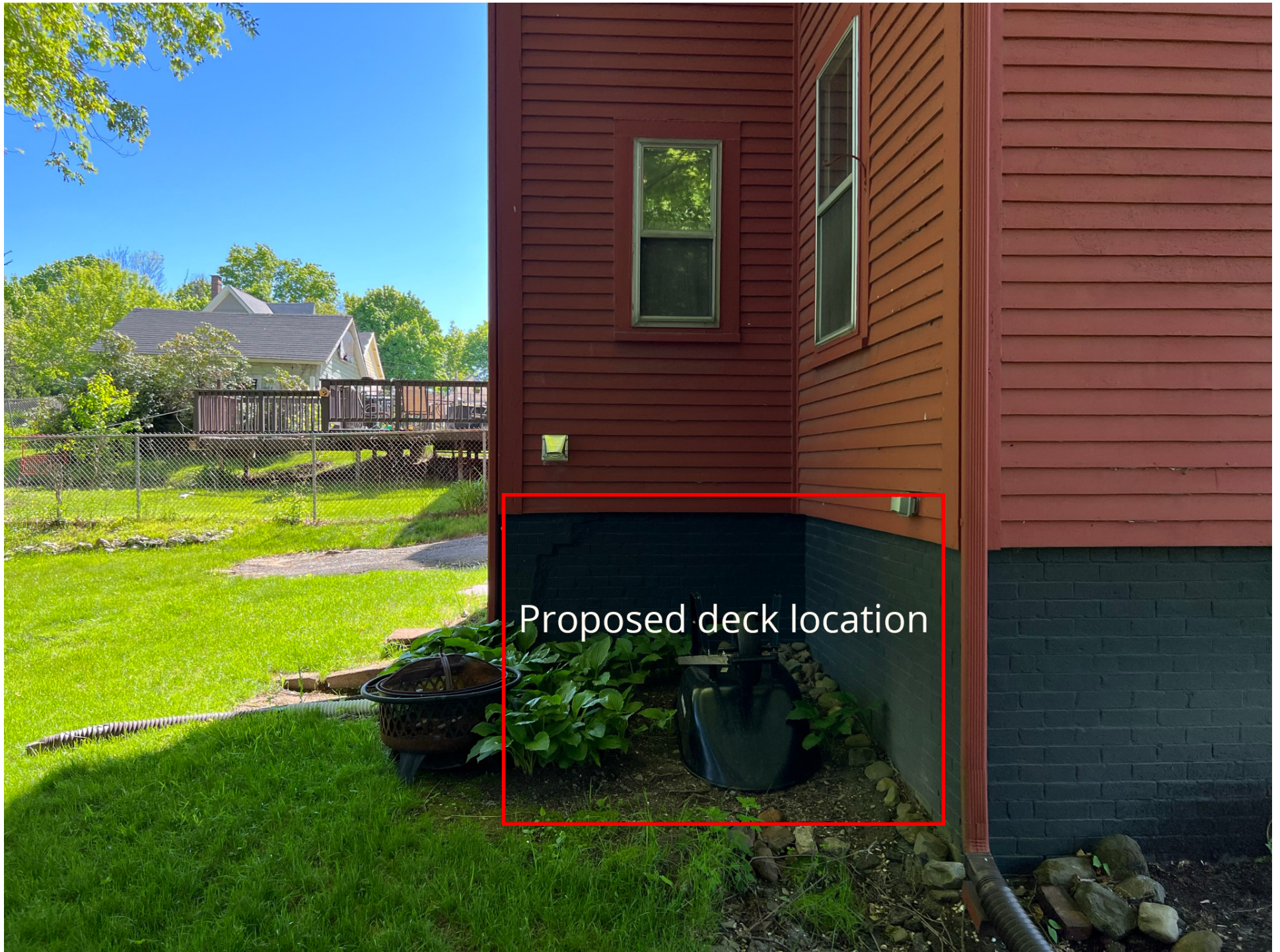
Due to our property's corner lot location, as well as the city's ownership of the majority of our property's former secondary front yard for a drainage culvert, we have a narrow property line that places our entire structure inside the required setbacks.

Our proposed deck design is understated and sized such that it meets our needs without appearing obtrusive, negatively impacting property values, or the quality of life for our neighbors.

Literal enforcement of the Ordinance would be prohibitive to our ability to fully make use of our property and in this unique case, from a public perspective, this deck visually adheres to the spirit of the Ordinance.

Thank you for your consideration.

Stephen and Meghan Chaloner



Proposed deck location



Proposed Deck



Emery Street View
Proposed Deck



Emery Street View
Proposed Deck Location



Myrtle Ave View
Proposed Deck

* PROPOSED DECK ADDITION (6'x8')

CHALONER RESIDENCE
217 MYRTLE AVE



