

I am applying for retroactive variances for 2 additions which were completed by the prior owner(s) without proper permits/approval. I purchased 165 Union St in 2004. Based on existing property records, it is not possible to determine the exact date of the improvements but it's estimated they occurred in the 1980's or 1990's. Neither I nor my realtor performed a search of city records prior to purchase to confirm the projects were approved.

Project 1 was a 21 x 9.5' 3rd floor dormer added to create 2 3rd floor bedrooms. The dormer is entirely within the footprint of the structure however the foot print is approximately 2' from the left property line, so a setback variance would have been required prior to approval.

Project 2 was a 16' x 8' deck on the back of the house accessible via stairs from the back yard and an entry way on the 2nd floor. The left border of the deck is approximately 3.5' from the left property line, so a setback variance would have been required prior to approval.

This request satisfies the criteria for variance primarily because the original structure was built in the 1880's and the improvements were done more than 20 years ago, albeit without proper permitting.

1. The variance is not contrary to the public interest. The structure has existed "as is" for more than 20 years with the exception of aesthetic improvements to siding, windows, and paint.
2. The spirit of the ordinance is observed. Although both improvements were within setback limitations, the dormer is within the footprint of the existing footprint and the deck has no impact to abutting properties.
3. Substantial justice is done. There has been no harm done to the general public or other individuals over the last 20 years.
4. The value of surrounding properties is not diminished. All properties in this neighborhood have benefitted as a result of the overall increase in property values in the 20+ years since the improvements were completed.
5. Literal enforcement of the ordinance would result in unnecessary hardship. To "undo" the improvements and revert to the original the property configuration would be inordinately expensive and diminish the value of the property.

The abutting property, 284 Austin St was rebuilt in the original footprint of the prior structure. Similarly, the unapproved improvements on 165 Union St would likely have been approved had they gone through the proper process.




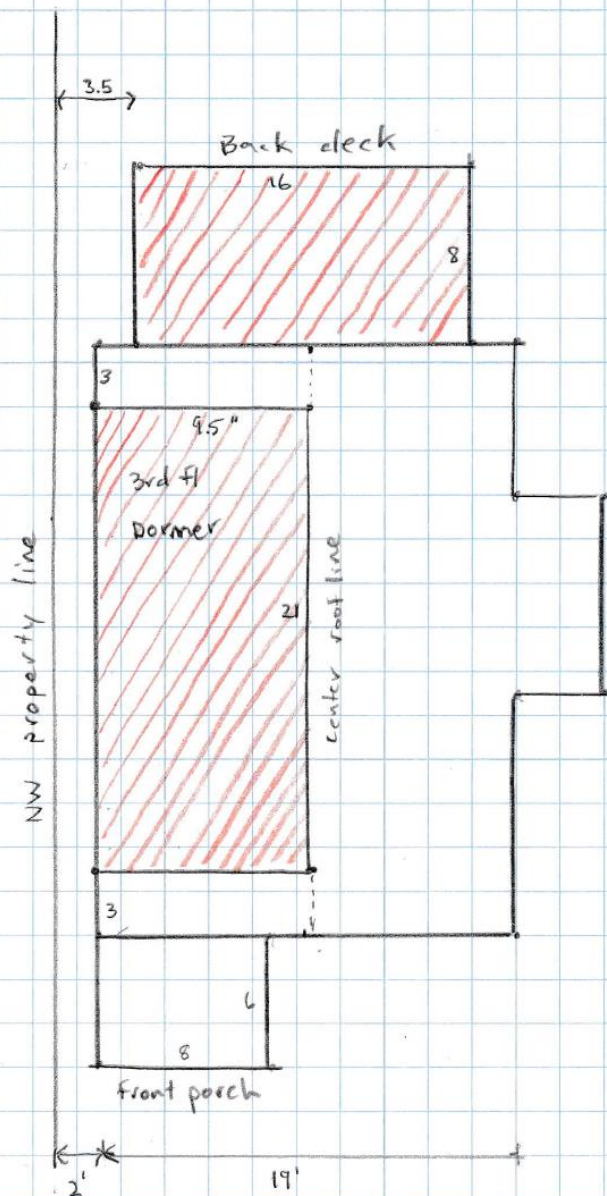


165 Union Street

Top View

$$\frac{1}{4}'' = 2'$$


 = subject area



165 Union St

Back view

$$\frac{1}{4}'' = 2'$$

 = subject area

