

LETTER OF INTENT

ARC-22-241 and ZON-23-002 is a request for an addition of clerestory windows and roof to enclose existing 280 sq. ft. courtyard at 624 Island Drive. The required plans and zoning history are submitted with this Application.

Sections 134-201. Applicant is requesting two variances as follows:

1. Section 134-893(a)(1)(e) and 134-843(a)(ii). Variance to permit lot coverage for a two-story building of 26.3% in lieu of 24.99% existing and 25% maximum permitted.
2. Section 134-893(13). Variance to permit cubic content ratio of 4.214 vs 3.85 existing and 3.89 maximum permitted.
3. Section 134-893(10). Variance to permit construction of clerestory windows and roof with a height of 27'2" in lieu of 22' maximum permitted and overall height of 30'9" in lieu of 30' maximum permitted.

The hardship that runs with the property is that the applicant is a new owner of the property, and the house and courtyard were built recently by a prior owner. The existing courtyard is narrow, dark and has little airflow. It is virtually unusable in its current condition. To be able to use the courtyard, the new owner needs protection from the heat and natural elements. No new floor space is proposed to be constructed.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result.

The courtyard is existing, and the proposed addition enhances the architecture. Enclosure of the courtyard has absolutely no negative effect on the neighbors or Town services. This is a technical variance, which will allow the new owner to enjoy the courtyard space without only minor upgrades to the architecture of the home.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

Criteria for Special Exceptions – N/A

Criteria for Authorizing a Variance (Applicable to both variance requests # 1 and 2)

All variance requests are addressed collectively because they all involve additional area of improvements to be counted against maximums due to the request to cover the existing courtyard with the addition of clerestory windows and roof to enclose the existing 280 sq. ft. courtyard. The rationale and justifications apply equally to Section 134-893(a)(1)(e) and 134-893(a)(ii), which apply to lot coverage, Section 134-893(10), which applies to building height and overall height and Section 134-893(13), which applies to the cubic content ratio.

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The hardship and special conditions applicable to this property are that the building was constructed by a different owner that wanted the additional uncovered space. This area is not visible to neighbors in its existing conditions and won't be visible when covered as proposed. The existing courtyard is narrow and does not allow air movement and is virtually unusable in its present condition.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

The special conditions existed upon construction of the home by the prior owner. The applicant simply wants to cover the courtyard with clerestory windows and roof to protect the area from the natural elements.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because the same amount of total space in the home will exist. The additions are very minor and only enhance the architecture.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

The applicant is not asking to add square footage to the home but rather to cover the courtyard with clerestory windows and a roof to be able to enjoy the space.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested use because the owner is not adding any space to the home. She is just covering the courtyard with clerestory windows and a roof to allow her to enjoy and use the space in the summer and during inclement weather and protect it from the elements.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:
 - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
 - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,
 - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances is in harmony with the intent and purpose of the Zoning Code because the requested renovation in no way impacts any neighbors and is simply intended to allow the new owner to use the courtyard space, especially during the summer and in inclement weather and to protect it from the elements.

EXHIBIT "A"
Site History

None, except that the existing home and courtyard were approved by ARCOM per ARC B-071-2018.