

Members of the Zoning Board of Appeals,

We ask the members of the Zoning Board of Appeals to grant a Hardship Variance for the maximum percent windows in a dormer at 26 Clyde St # 2.

We believe we qualify for a Hardship Variance based on the criteria set in SZO Article 15.3.e.

Per SZO Article 15.3.e. Section A:

This is an existing structural violation that does not affect the zoning district. We unknowingly inherited this structural violation when we purchased the Unit. We only learned about the issue after we filed for a permit to correct two other outstanding zoning violations we also inherited several weeks after purchase. We learned then that while the Development Review Submittal Permit submitted by the previous owner has notes from ISD regarding the windows & dormer width, the Building Permit was approved with the dormer windows constructed as they are today. The dormer was built to the specifications of the Building Permit. We were not made aware of the mix up until after the purchase was complete. We are working diligently to correct the other outstanding zoning violations but complying with the windows requirement would cause significant hardship.

Per SZO Article 15.3.e. Section B:

The enforcement of this ordinance would involve substantial hardship, first and foremost in the short term to our ability to work remotely, which we both do. Compliance with the ordinance would require a complete re-build of the dormer's face, which abuts our offices. While the dormer is under construction, the entire upper level of our home will be uninhabitable, severely impeding our ability to do our jobs. We both work in fields that require high speed and secure internet connections. Currently, the only ethernet jack in our home is in the upstairs office. Finding a temporary living situation that would meet both our work requirements would be exceedingly difficult. In addition, we are the owners of a 80-pound black lab and pit bull mix, which further limits our temporary housing options.

In the long-term, 21 ft. of windows would make the entire upper level far more expensive to heat and cool, representing a long-term financial hardship. It would also increase our carbon footprint and make our home less green and efficient.

Finally, because of supply chain shortages as a result of the pandemic, the windows required to comply with the Ordinance are backordered until June. Our Temporary Certificate of Occupancy is contingent on fixing the outstanding zoning violations and it expires on March 31. If we are not granted a variance and our TCO is not extended, we risk being unable to inhabit our home. It also puts our insurance in a questionable state, which could have disastrous financial consequences if an accident occurs.

Per SZO Article 15.3.e. Section C:

Granting this variant would not be detrimental to the public good. In fact, complying with this Ordinance would cause significant disturbance to our neighbors, who already have endured months of construction as 26 Clyde was renovated by the previous owner. Because of the small setback between 26 and 22 Clyde St., the scaffolding required to replace the dormer would likely need to be placed on the property of 22 Clyde St. It would also be seriously disruptive to the occupants of 26 Clyde St. Unit 1.

In summary, we unknowingly inherited this existing structural violation, a variance would not negate the intent of the Ordinance, enforcing the Ordinance would significantly disrupt our ability to work in the short term, cause a long-term financial burden and result in hardship for our neighbors.

We ask that the Zoning Board of Appeals please grant us relief from this requirement of the Ordinance.

Thank you for your time,

Jeff and Leah Byrnes