

## DESCRIPTION OF PROJECT AND VARIANCE

The rear yard open deck is located at 6 Kings Lane in Montrose in the R-15 zone. The house was constructed in 1964.

In approximately 2015, the owners at that time, Nathan and Bridget Palmer constructed a rear yard open deck without first filing for permit.

The current owners, Robert DeRamieri and Kristen Shaw purchased the property approximately 6 months ago. They are currently trying to obtain a building permit and a certificate of occupancy for the rear yard open deck constructed by the previous owners.

6 Kings Lane is in a R-15 zone. Under current zoning regulations, a rear yard open deck is allowed to encroach 6' into the rear yard set-back.

In an R-15 zone, the rear yard set-back is 25', and a rear yard open deck is allowed to encroach 6' into that 25' set-back. The rear yard open deck at 6 Kings Lane has a rear yard set-back of 15'. The new owners are seeking a variance for 4'.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties:

The rear year open deck has existed as is for the last 8 years and has not changed the character of the neighborhood or caused any detriment to nearby properties. The rear yard open deck is approximately only 18" from grade and because it is close to grade level it is unobtrusive.

2. Whether the benefit sought by the application can be achieved by some method, feasible for the applicant to pursue, other than a variance.

There is no other method for the new owners to pursue to legalize the existing rear yard open deck besides seeking the 4' variance.

The deck is built over a rock outcropping creating a safer flat yard.

It would be a hardship to remove the deck.

3 Whether the requested variance is substantial

A 4' variance is not substantial. The existing set-back of the rear yard deck is 15'. 4' is not a substantial encroachment out of the allowable 19'.

Also, as shown in the rear yard photo, there is no house behind the deck

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

Granting of the variance will not change any of the adjoining properties or cause a detriment to the public welfare.

As shown in the photos and the abutters location map, the deck is not visible from the road, nor does it impede on adjacent properties. The deck is only 18" from grade. It has existed as is for many years and has gone unnoticed.

5. Whether the alleged difficult was self-created.

The rear yard open deck at 6 Kings Lane was constructed by the previous owners. This difficulty was not self-created. The new owners are trying to rectify the situation.