

From: Andrew Pieknik
Sent: Tuesday, October 24, 2017 11:45 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: ZBA17-030; 1500 Chandler Road

To: Jon Barrett and the Zoning Board of Appeals

My name is Andrew Pieknik and I live at 711 Argo Dr; one house separates my property from 1500 Chandler.

Unfortunately, I struggle to see how a variance could be granted as all of the requirements are unmet and somewhat boldly so.

(a) That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

Almost every neighborhood block has 4 such corner properties, it is only exceptional *in how unexceptional it is*--being nearly perfectly rectangular, with straight-forward setback calculations.

(b) That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return or both.

Jennifer Chapman and Matthew Solomon never moved into this home and have already started and continue construction. Due to this recent continued progress, in light of setback requirements, it is safe to assume that if the variance is denied, this would not be more than an inconvenience and sub-optimal economic outcome as they will simply renovate in place or add a second floor. Any conforming addition would be their right and welcomed by neighbors.

(c) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Unfortunately, the proposed addition under the variance requested will reduce my western line of sight by 50% in my backyard. These distant visual connections are a characteristic of our neighborhood, no one is boxed in. This is why I installed only a 4 foot tall fence to afford my neighbors this same 2-way visibility that I cherish. Furthermore, on the topic of injustice, I actually participated in the 'bidding war' for this home. Though I was not even in second place, I figured the property was bid up by developers for whom the economics of building a second level made more financial sense. I am suspicious of this request as trying to justify economics based on my maximum bid of \$325,0000 and am angered that it might turn out that one party was playing by a completely different set of rules if the variance is granted. Perhaps I could have

owned the home, or knowing 625 sq ft could be added on the ground level would have garnered our friends and neighbors of 7 years more than the \$350,000 purchase price.

(d) That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

Claiming this is not a self-imposed hardship is hard in light of the fact that the new owners have not yet moved into this home, and--I feel silly saying this--but they did not have to buy this home. People spend years looking for homes, especially when making a move of mere convenience with a high budget of over \$500,000.

(e) A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

As evidenced by the 'bidding war,' multiple competitive offers came in intending to make reasonable use of the land and structure under the current zoning. Even though multiple parties were happy to use this property as-is, the petitioners are asking to ignore 66% of the rear yard requirement. Confidently knowing reasonable use does not require a variance, let alone a 66% reduction in the rear yard requirement, clearly leaves this requirement unmet.

I say 'unfortunately' above because it is tough to oppose something a prospective neighbor clearly wants. It is also challenging to balance principles and law with risk of being insensitive to future mobility issues. This idea of "wanting to get off on the right foot" is a large portion of the neighbors' lack of opposition. Us neighbors are counting on the Zoning Board of Appeals to help us out of this awkward position and I hope making my opposition clear helps you make the right decision.

I'm confident they're going to love the location, neighborhood, and best-on-the-block park views even with a conforming renovation!

Regards,

Andrew Pieknik