



MEMORANDUM

DATE: March 24, 2025
TO: Zoning Board of Appeals
FROM: Planning Division
SUBJECT: Report of Findings
Case No. 25-04-08 – 2209 Vinsetta Blvd. (25-09-331-001)

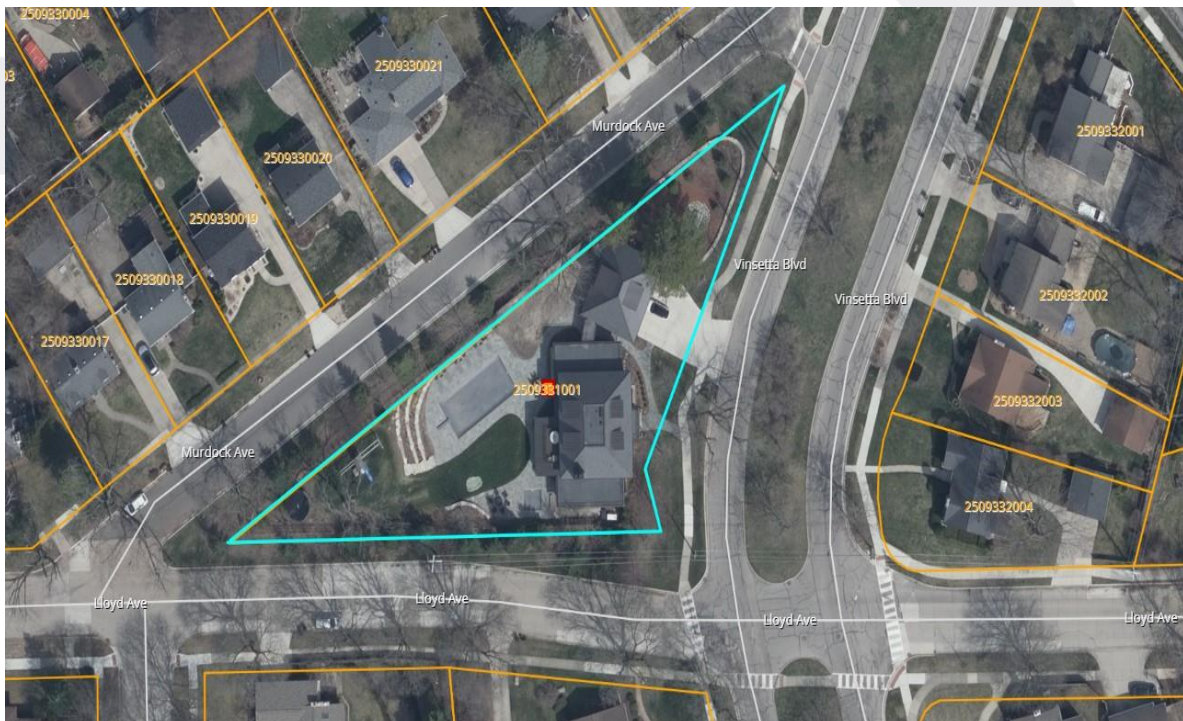
1. Requested Variances

- (a) Alter/expand a non-conforming structure
- (b) Waive 12.5 ft. from the minimum required 25 ft. front yard setback
- (c) Waive an additional 449 sq. ft. from the maximum permitted 3,500 sq. ft. of usable floor area

2. Purpose

To permit construction of a second story addition along the southern portion of an existing non-conforming 4,382 sq. ft. single-family dwelling.

3. Aerial Photographs





4. Variations to Chapter 770 Zoning

ARTICLE IV Zone Regulations & General Provisions

§ 770-34. One-Family Residential

(D)(5)(a) Interior lot. All principal buildings shall be setback the greater of 25 feet or the average setback of adjacent dwellings, but shall not exceed 50 feet from the property line.

(D)(9) Maximum floor area. No single-family residential structure shall exceed 3,500 square feet of usable floor area.

ARTICLE X Nonconforming Uses, Structures and Lots

§770-112 Intent: Certain existing lots, structures and uses of lots and structures were lawful before this chapter was adopted, but have become nonconforming under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain under certain conditions until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various zones.

§770-115 Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, unless approved by the Zoning Administrator through the submission of a site plan, and provided the following remain true:
 - (1) The existing character of the area is maintained.
 - (2) Additional parking spaces are not required in order to comply with the adopted standards of this chapter.
 - (3) The size is comparable to adjacent uses.
 - (4) The construction materials and resulting style are compatible with the existing building.
 - (5) The expansion will not have a detrimental effect on neighboring properties.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.
- C. The Zoning Administrator may allow a nonconforming detached single-family dwelling to expand, provided the expansion complies with Zoning Ordinance provisions.

5. **Petitioner & Owner**

GETA Design, LLC, petitioner & Penei Sewell & Isabelle Ford, owners.

6. **Prior Action**

At its August 12, 2010, meeting, the board granted the following variances:

- (a) Waive 32.65 ft. from the maximum permitted 25-ft. east front yard setback
- (b) Waive 8.14 ft. of the minimum required 25-ft. north side yard dwelling setback
- (c) Waive 14.86 ft. of the minimum required 25-ft. north side yard attached accessory structure setback
- (d) Allow off-street parking within a front yard
- (e) Waive 4.84 ft. of the minimum required 10-ft. south side yard setback
- (f) Waive 3.28% from the maximum permitted 50% accessory structure front façade width to permit construction of a new single-family dwelling, located at 2209 Vinsetta Blvd.

The following variances were voluntarily withdrawn by the petitioner: (g) waive 6.17 ft. from the maximum permitted 25-ft. driveway width (h) waive 321.67 sq. ft. from the maximum permitted 3,500-sq. ft. gross floor area, and (i) waive 1.09 ft. from the maximum permitted 30-ft. principal structure height.

At its June 8, 2017, meeting, the board granted the following variances:

- (a) waive 882 sq. ft. of the maximum permitted gross usable floor area of 3,500 sq. ft. for a single-family dwelling
- (b) waive 23 ft. of the minimum required 25 ft. east front yard setback along Vinsetta Blvd. related to the construction of a single-family dwelling
- (c) waive 16 ft. of the minimum required 18 ft. east setback along Vinsetta Blvd. related to the construction of an unenclosed porch and steps
- (d) waive 180 sq. ft. of the maximum permitted accessory ground floor area of 800 sq. ft. related to the construction of a detached accessory structure / garage
- (e) waive 15 ft. of the minimum required 25 ft. north setback along Murdock Ave. related to the construction of a detached accessory structure / garage
- (f) waive 5.4 ft. of the maximum permitted height of 13 ft. related to the construction of a detached accessory structure / garage to permit construction of a single-family dwelling with a detached accessory structure / garage at 2209 Vinsetta Blvd. (25-09-331-001).

At its October 10, 2019, meeting, the board granted a variance to waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along Murdock Ave. to permit construction of a non-sight obscuring 6 ft. fence within a front yard setback at 2209 Vinsetta Blvd. (25-09-331-001).

At its February 11, 2021, meeting, the board failed to approve the following variance request: (a) waive the prohibition of a combination of utilities in a garage / accessory structure which create living space to convert the second story of a detached garage to habitable living space and create a second dwelling unit.

At its February 10, 2022, meeting, the petitioner withdrew variance request (b) use variance to convert the second story of a detached garage to habitable living space. The board also denied following variance request: (a) waive the prohibition of a combination of utilities in a garage / accessory structure which create living space to convert the second story of a detached garage to habitable living space and create a second dwelling unit.

7. Findings

The subject property is a triangular-shaped parcel with frontage along Vinsetta Blvd., Murdock Ave. and Lloyd Ave. The property contains approximately 22,520 sq. ft. / 0.52 acres of total lot area. The site is improved with an existing single-family dwelling with a detached garage / accessory structure.

The petitioner proposes to construct a full second story addition along the southern portion of the dwelling. The addition will be directly above the first floor living space and existing screened, covered porch. The second story addition will not expand the overall footprint of the dwelling. The screened porch will remain unconditioned, i.e., not living space.

As a through lot with street frontage along two parallel streets (Vinsetta Blvd. & Murdock Ave.), Zoning Ordinance provisions state that the required front yard setback shall be observed on those streets where structures presently front. The dwellings along both streets maintain front yard setbacks. Staff have consistently applied the minimum required front yard setback of 25 ft. along both streets. Therefore, an addition to the existing dwelling must maintain no less than a 25 ft. setback along Vinsetta Blvd.

At its nearest point, the proposed second-story addition will be maintaining a 12.5 ft. front yard setback along Vinsetta Blvd. Zoning Ordinance provisions require that alterations, additions, or expansions of non-conforming structures result in compliance with current ordinance provisions, including setbacks. **The petitioner is seeking a variance to alter / expand a nonconforming structure in a non-conforming manner. The petitioner is also seeking a variance to waive 12.5 ft. from the minimum required 25 ft. setback along Vinsetta Blvd.**

Under § 770-35 (D)(9) of the Zoning Ordinance, no single-family structure may exceed 3,500 sq. ft. of usable floor area. Usable floor area is defined as: “the sum of the gross horizontal area of each story, floor, or level of a building, measured from the exterior faces of the exterior walls without deductions for interior walls, closets, stairways, openings to lower levels, mechanical or utility rooms, or shafts at any level, excluding areas of unfinished attics, breezeways, basements, and unenclosed porches and areas within the building utilized for the required off-street parking spaces.”

According to the petitioner’s floor plans, the existing dwelling contains 4,382 total sq. ft. of usable floor area. Prior action by the board waived 882 sq. ft. of usable floor area in excess of 3,500 sq. ft. The proposed second story provides an additional 449 sq. ft. of usable floor area. The resulting dwelling would contain 4,831 total sq. ft. of usable floor area.

dwelling	existing	proposed
1 st floor (unchanged)	2,243 sq. ft.	2,243 sq. ft.
2 nd floor	1,579 sq. ft.	2,028 sq. ft.
3 rd floor / attic (unchanged)	560 sq. ft.	560 sq. ft.
total usable floor area	4,382 sq. ft.	4,831 sq. ft.

Zoning Ordinance provisions require that alterations, additions, or expansions of non-conforming structures result in compliance with current ordinance provisions, including setbacks. Additional square footage of usable floor area makes the dwelling more non-conforming in relation to the maximum allowable 3,500 sq. ft. of usable floor area.

The petitioner is also seeking a variance to waive an additional 449 sq. ft. of the maximum allowable usable floor area of 3,500 sq. ft. to permit construction of a second story addition along the southern portion of an existing non-conforming 4,382 sq. ft. single-family dwelling.

7. **Decision**

Per § 770-124 (E) of the Zoning Ordinance: Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this chapter, whereby unique, extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outline below. When granting any variance, the Board must ensure that the spirit of this chapter is observed, public safety secured, and natural resources protected. The Board shall determine that the variance approval, either as proposed by the applicant or as otherwise determined by the Board based upon the record, is the minimum relief necessary in order to achieve substantial justice. The Board shall not have the power to consider an appeal of any decision concerning a special land use or planned unit development, unless specifically authorized to do so by the Planning Commission.

Nonuse variances. The applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and that all four of the following requirements are met:

- a. That this chapter's restrictions unreasonably prevent the owner from using the property for a permitted purpose;
- b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
- c. That the plight of the landowner is due to the unique circumstances of the property; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

Nonuse Variances require 5 affirmative votes for approval.

The order of the board is valid for a period of one (1) year.

cc: Douglas W. Leahy, M. Arch., Assoc. AIA, GETA Design, LLC, 134 River St., Elk Rapids, MI 49629
Penei Sewell & Isabelle Ford, 2209 Vinsetta Blvd, Royal Oak, MI 48073



2209









2209











custom residence

penei & isabelle

sewell residence

family home located at:

job no. 1540

2209 vinsetta blvd.
royal oak, michigan 48073

SQUARE FOOTAGE SUMMARY	
2,243 SF	EXISTING MAIN LEVEL
1,579 SF	EXISTING UPPER LEVEL
449.3 SF	NEW UPPER ADDITION
560 SF	EXISTING ATTIC <small>OVER 7.0' TALL HABITABLE SPACE</small>
4,831.3 SF	PROPOSED TOTAL
3,500 SF	ALLOWABLE
882 SF	PAST VARIANCE APPROVED <small>06-08-2017 CASE No 17-06-14</small>
449.3 SF	NEW REQUESTED VARIANCE
12.5 FT	NEW REQUESTED VARIANCE INTO REQUIRED 25FT SETBACK



residential designer
134 river street
elk rapids, mi 49629

248.506.3235 office
info@GETAdesign.net
www.GETAdesign.net

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updated 03 - 06 - 25
02 - 19 - 25

zoning board design package

sheet 1 of 12

LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT



proposed w/ existing trees



existing front view

LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT



proposed front view

custom residence

penei & isabelle

sewell residence

family home located at:

2209 vinsetta blvd.
royal oak, michigan 48073

job no. 1540

sheet 2 of 12

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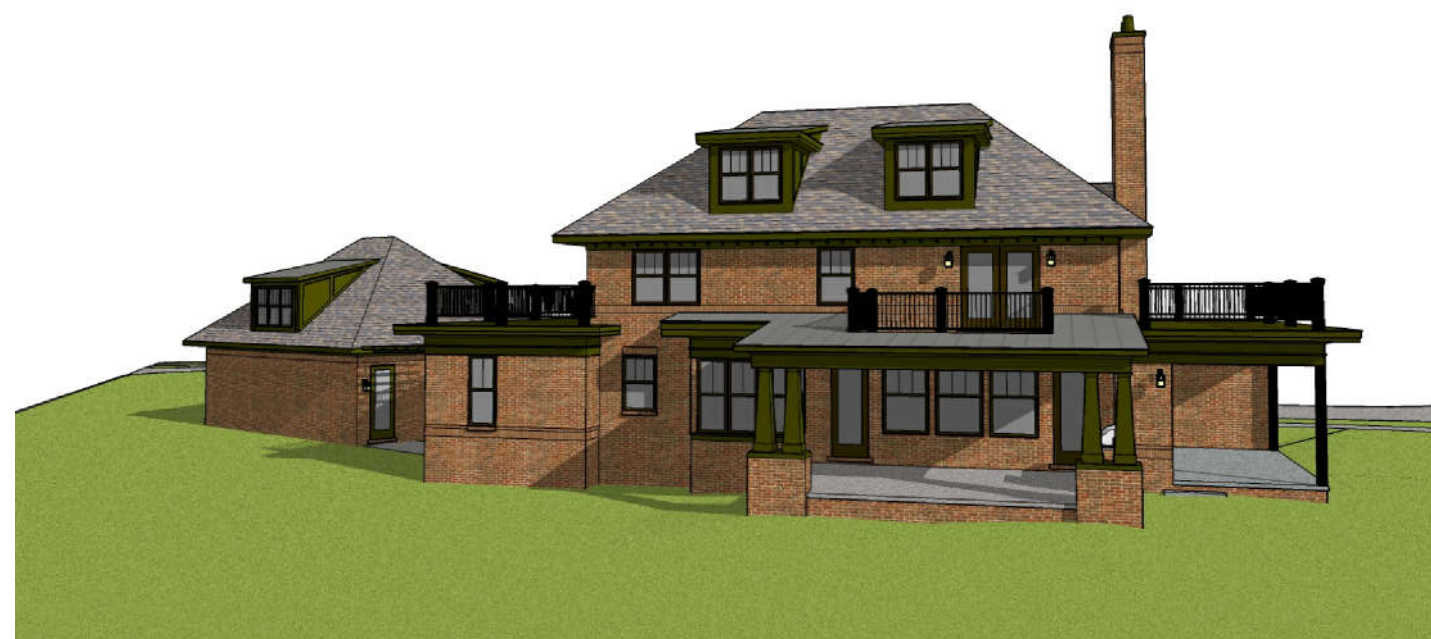
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existing rear view



LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT

proposed rear view

custom residence

penei & isabelle

sewell residence

family home located at:

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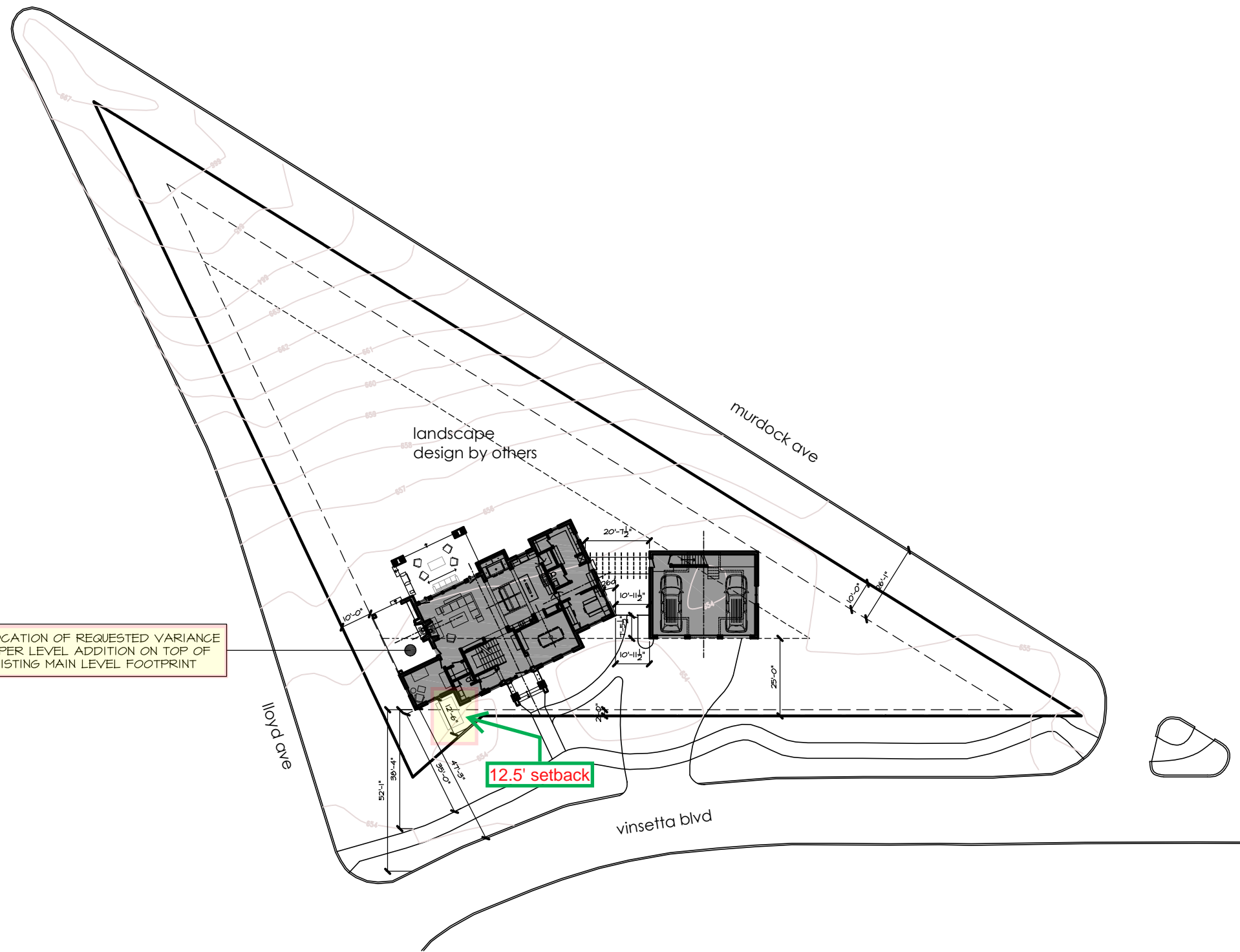
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LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT

12.5' setback

SQUARE FOOTAGE SUMMARY	
2,243 SF	EXISTING MAIN LEVEL
1,679 SF	EXISTING UPPER LEVEL
449.3 SF	NEW UPPER ADDITION
560 SF	EXISTING ATTIC OVER 10' TALL HABITABLE SPACE
4,831.3 SF	PROPOSED TOTAL
3,500 SF	ALLOWABLE
882 SF	PAST VARIANCE APPROVED <small>06-08-2017 CASE No 11-06-14</small>
449.3 SF	NEW REQUESTED VARIANCE
12.5 FT	NEW REQUESTED VARIANCE INTO REQUIRED 25FT SETBACK



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custom residence

penei & isabelle

sewell residence

family home located at:

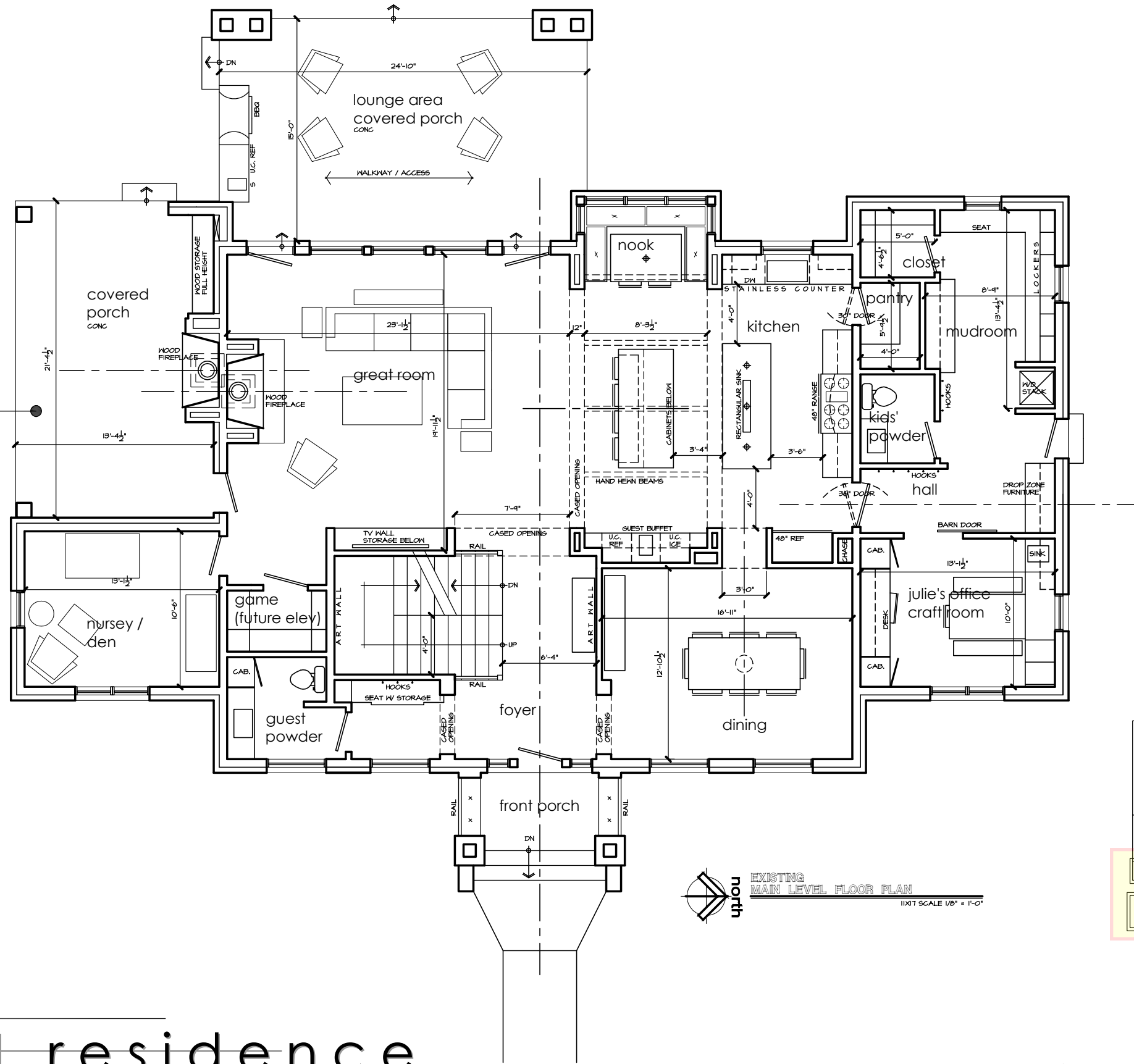
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LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT



EXISTING
MAIN LEVEL FLOOR PLAN
1/8" = 1'-0"

SQUARE FOOTAGE SUMMARY	
2,243 SF	EXISTING MAIN LEVEL
1,579 SF	EXISTING UPPER LEVEL
449.3 SF	NEW UPPER ADDITION
560 SF	EXISTING ATTIC OVER 7.0' TALL HABITABLE SPACE
4,831.3 SF	PROPOSED TOTAL
3,500 SF	ALLOWABLE
882 SF	PAST VARIANCE APPROVED <small>06-08-2011 CASE No 11-06-14</small>
449.3 SF	NEW REQUESTED VARIANCE
12.5 FT	NEW REQUESTED VARIANCE INTO REQUIRED 28FT SETBACK

custom residence
penei & isabelle
sewell residence
family home located at:

2209 vinsetta blvd.
royal oak, michigan 48073

job no. 1540

sheet 5 of 12

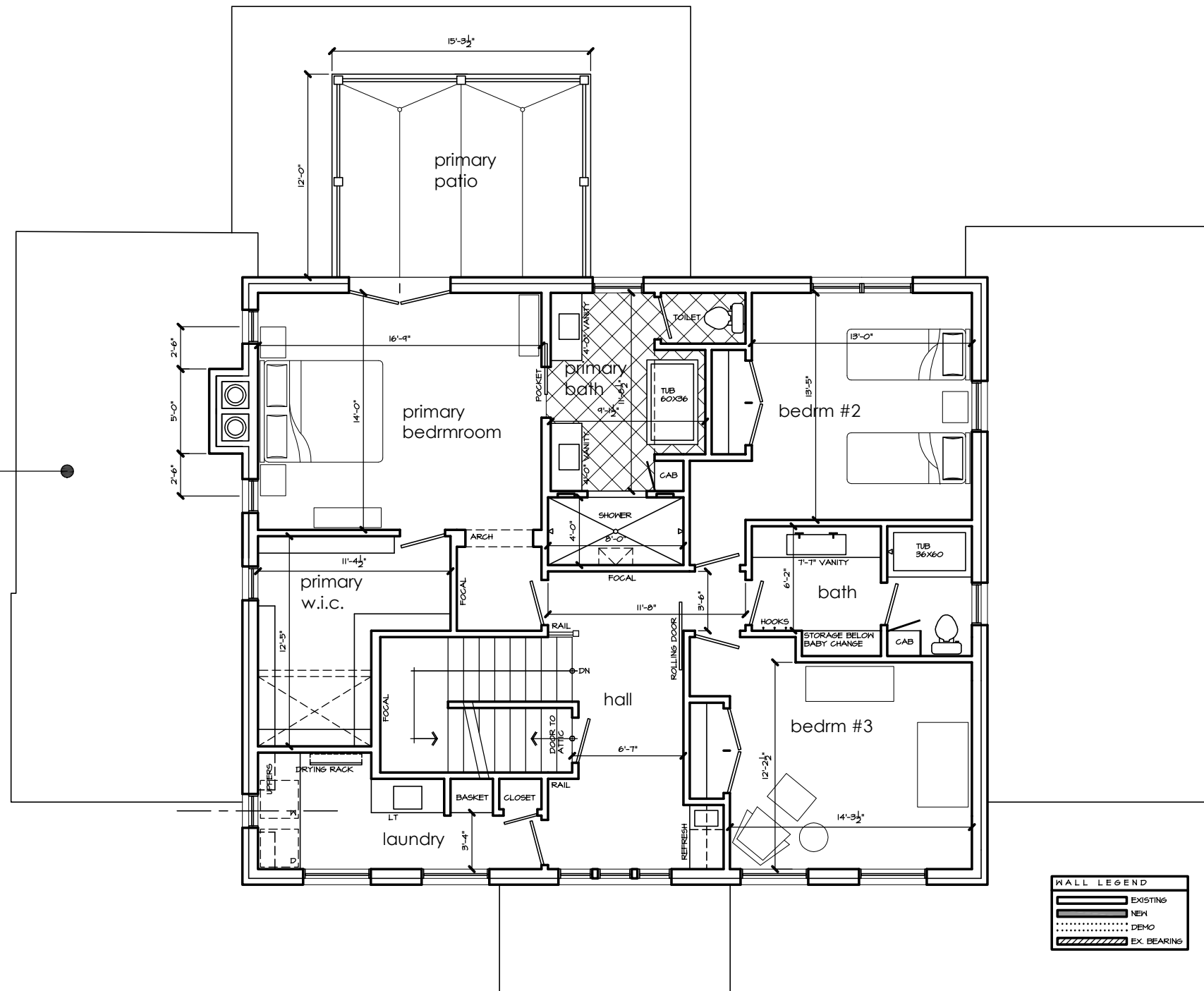
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LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT



WALL LEGEND

[Solid line]	EXISTING
[Dashed line]	NEW
[Dotted line]	DEMO
[Hatched pattern]	EX. BEARING

SQUARE FOOTAGE SUMMARY

2,243 SF	EXISTING MAIN LEVEL
1,579 SF	EXISTING UPPER LEVEL
449.3 SF	NEW UPPER ADDITION
560 SF	EXISTING ATTIC OVER 10' TALL HABITABLE SPACE
4,831.3 SF	PROPOSED TOTAL
3,500 SF	ALLOWABLE
882 SF	PAST VARIANCE APPROVED 06-08-2017 CASE No 17-06-14
449.3 SF	NEW REQUESTED VARIANCE

12.5 FT — NEW REQUESTED VARIANCE INTO REQUIRED 25FT SETBACK

EXISTING UPPER LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"
1/8" SCALE 1/8" = 1'-0"

custom residence
penei & isabelle
sewell residence
family home located at:

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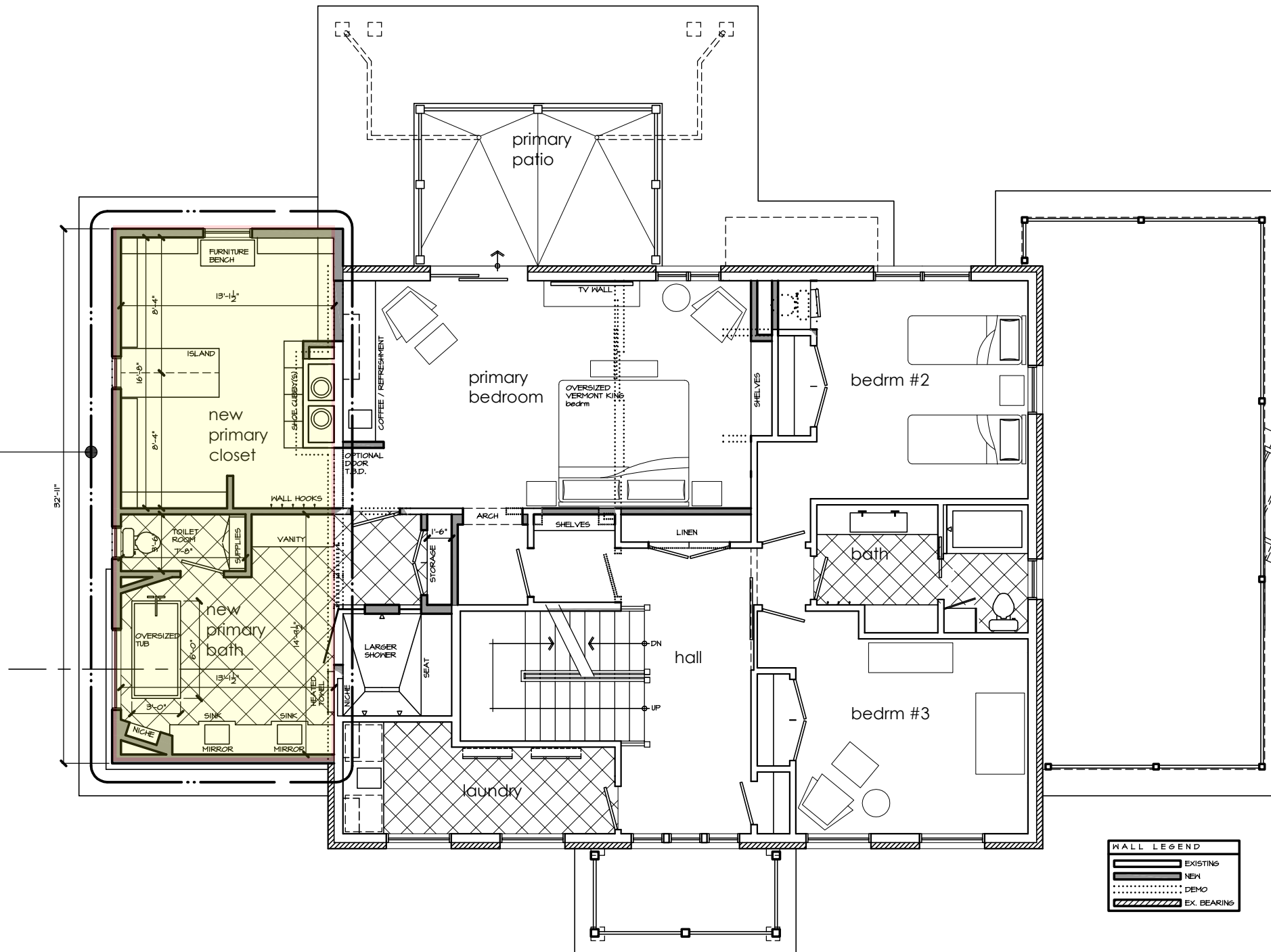
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LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT



WALL LEGEND

(Solid line)	EXISTING
(Dashed line)	NEW
(Dotted line)	DEMO
(Hatched pattern)	EX. BEARING

PROPOSED
UPPER LEVEL FLOOR PLAN

SQUARE FOOTAGE SUMMARY

2,243 SF	EXISTING MAIN LEVEL
1,579 SF	EXISTING UPPER LEVEL
449.3 SF	NEW UPPER ADDITION
560 SF	EXISTING ATTIC OVER 10' TALL HABITABLE SPACE
4,831.3 SF	PROPOSED TOTAL
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12.5 FT	NEW REQUESTED VARIANCE INTO REQUIRED 25FT SETBACK

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custom residence

penei & isabelle

sewell residence

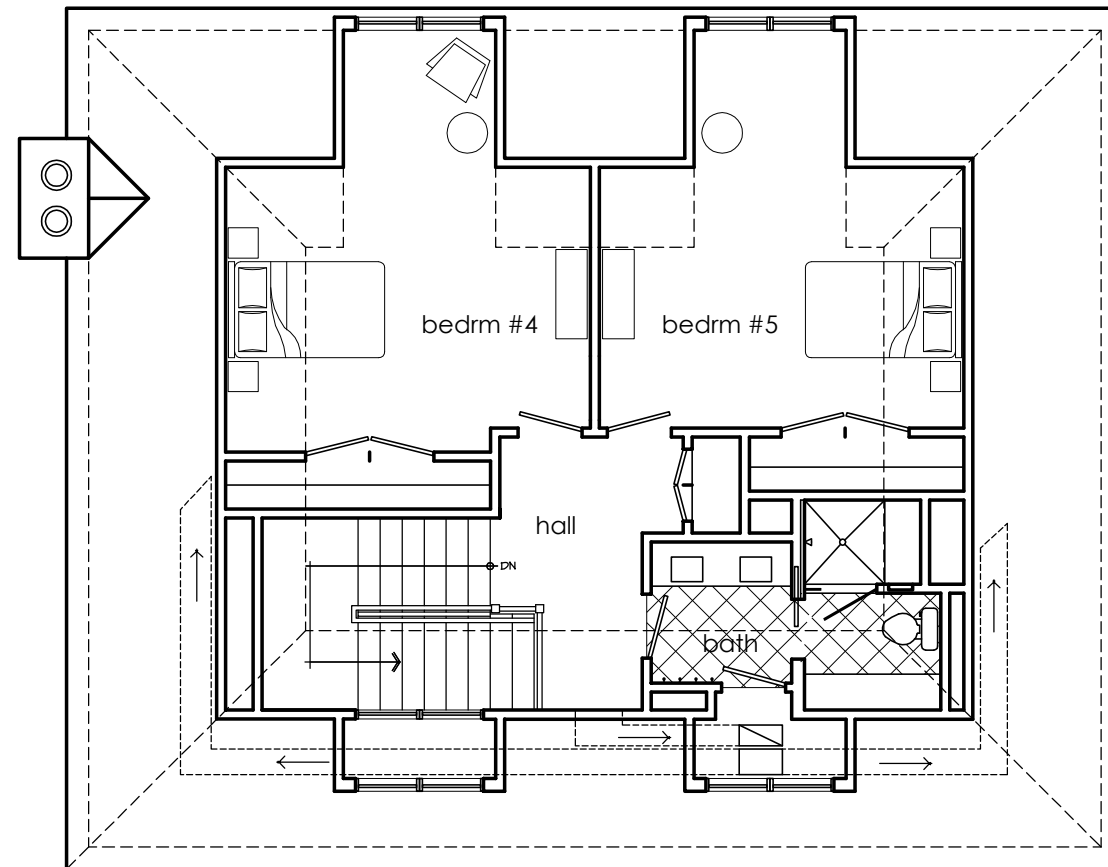
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royal oak, michigan 48073

job no. 1540

sheet 7 of 12

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 north
 EXISTING ATTIC FLOOR PLAN
 1/8" = 1'-0"

SQUARE FOOTAGE SUMMARY	
2,243 SF	EXISTING MAIN LEVEL
1,579 SF	EXISTING UPPER LEVEL
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12.5 FT	NEW REQUESTED VARIANCE INTO REQUIRED 25FT SETBACK

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custom residence

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sewell residence

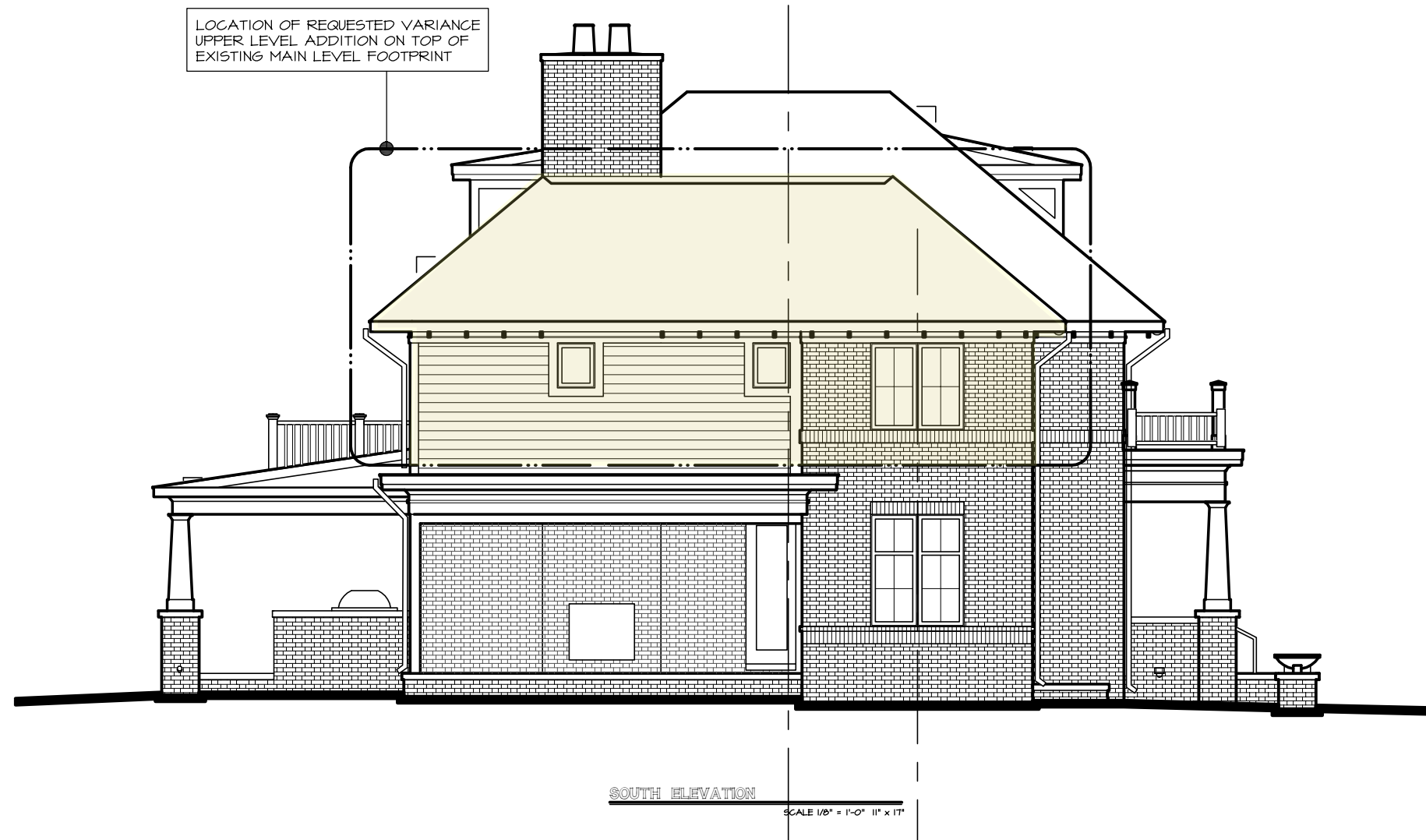
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LOCATION OF REQUESTED VARIANCE
UPPER LEVEL ADDITION ON TOP OF
EXISTING MAIN LEVEL FOOTPRINT

SOUTH ELEVATION

SCALE 1/8" = 1'-0" 11" x 17"

custom residence

penei & isabelle

sewell residence

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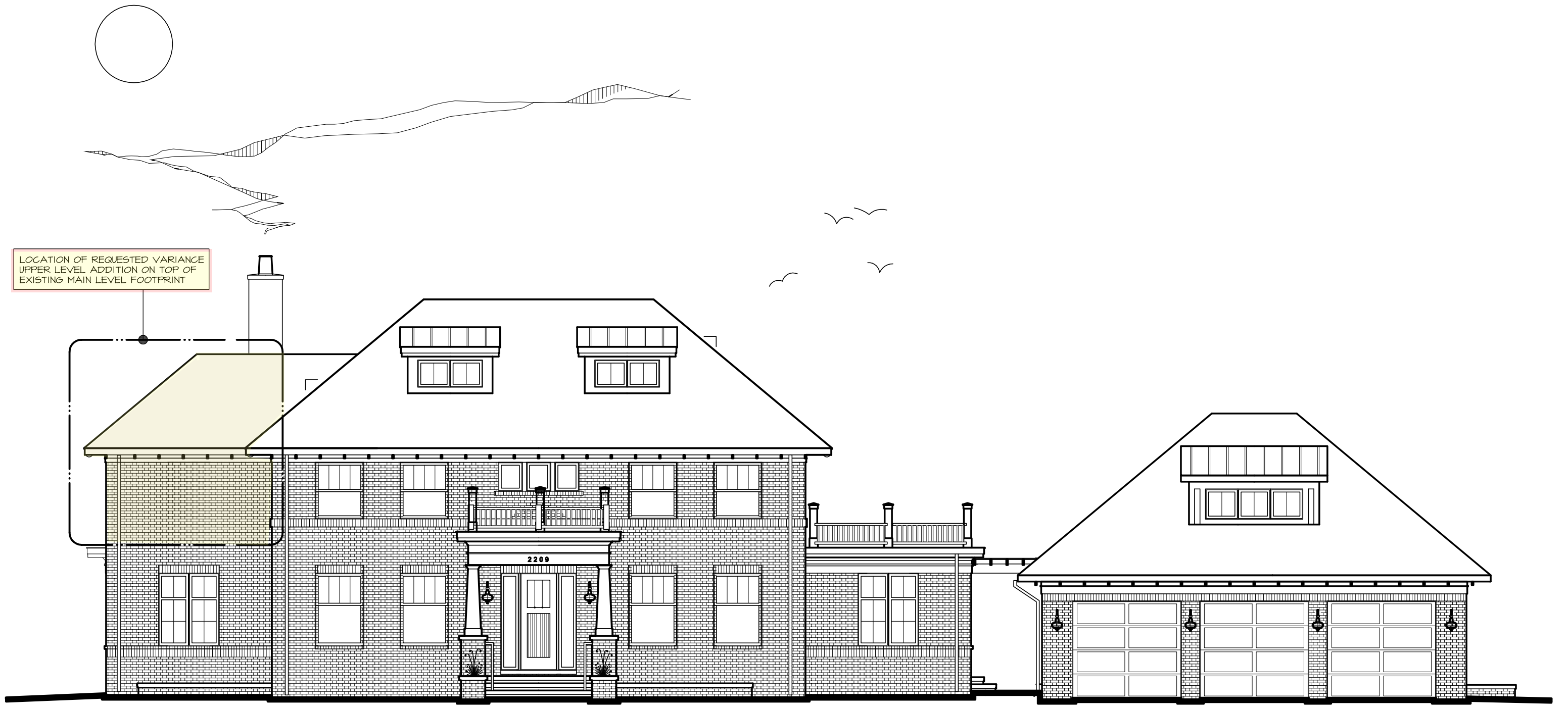
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LOCATION OF REQUESTED VARIANCE
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EAST ELEVATION

SCALE 1/8" = 1'-0" 11" x 17"

custom residence

penei & isabelle

sewell residence

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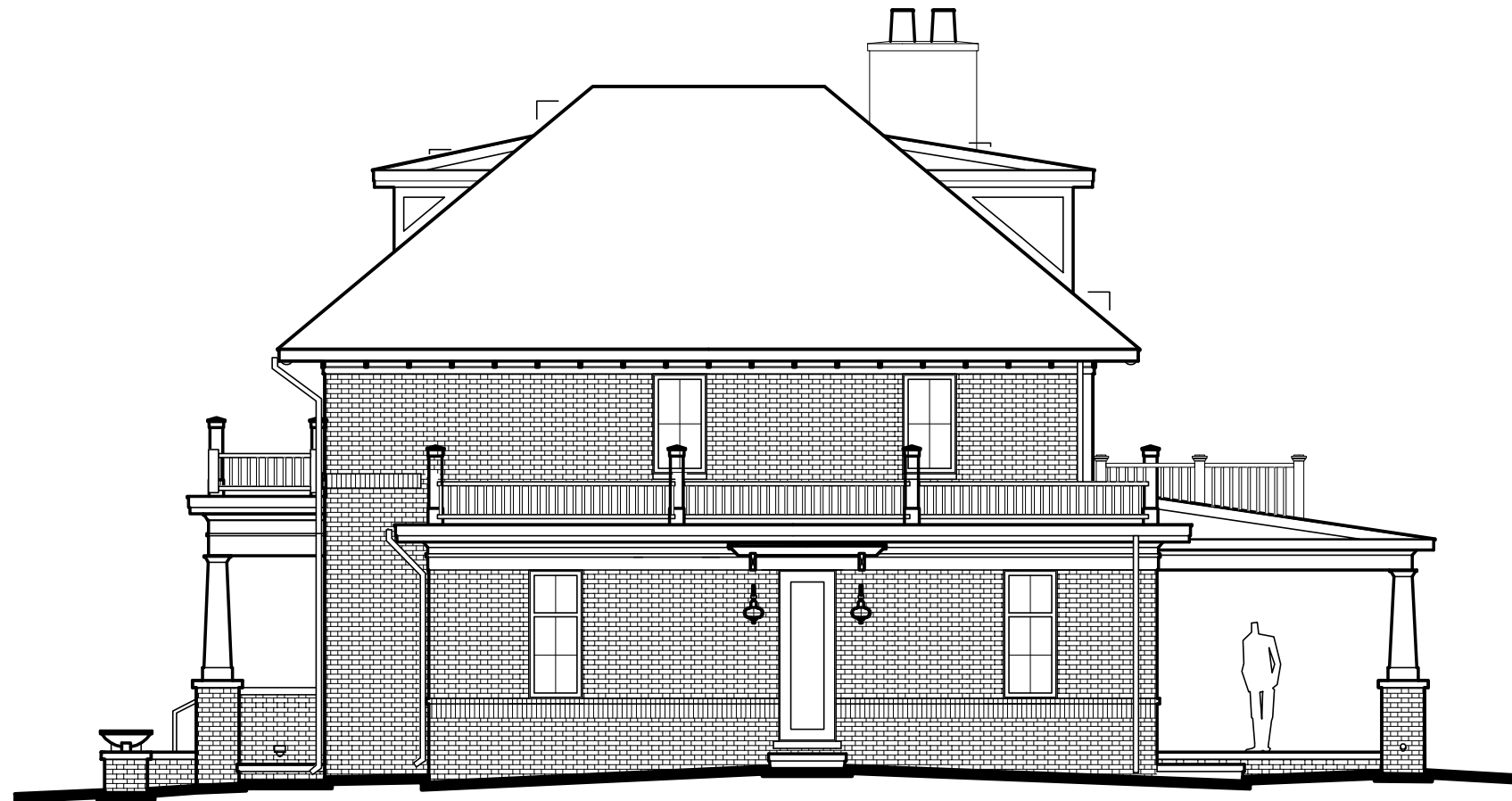
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NORTH ELEVATION

SCALE 1/8" = 1'-0" 11" x 17"

custom residence

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WEST ELEVATION

SCALE 1/8" = 1'-0" 11" x 17"

custom residence

penei & isabelle

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March 05, 2025 (updated)

City of Royal Oak

Planning Division / Zoning Board of Appeals
South Troy Street
203 Royal Oak, MI 48067

“Letter of Zoning Variance Intent”

Re: Addition / Renovation to Existing Home
2209 Vinsetta Blvd

To Whom It May Concern:

This letter will serve to advise the City of Royal Oak that we are seeking two variances at the property located at 2209 Vinsetta. This property is one of the most unique in shape and size in the ‘One Family Residential Zoning District’. In fact, we believe it is only one of two triangular lots in this district that has roads on all three sides that is currently used for a residential home. Also, the homeowner has unique physical features that make some of the home’s current spaces (ie: tub, closet and bed) very difficult to function. Full disclosure with the Board, the client plays in the National Football League and is 6’-5” and 335 pounds.

We are requesting to build a 449.3 square foot addition on the top of the current one-story structure on the south side of the existing residence. There would be no increase in the footprint / lot coverage or the overall appearance of the home. In fact, the home’s property has ample landscaping and trees that would in essence fully screen the proposed addition. When our clients purchased the home in 2024, multiple designs were attempted and considered but, with the increasing size of the homeowner’s family and caretaking needs it was decided that an addition over the one-story space would be the most suitable.

When this home was built eight years ago by the previous owner, the triangular shape of the lot required variances which were all granted on 06-08-2012 Case No. 17-06-14. One of the variances was for overall square footage in which the Zoning Board of Appeals agreed to waive 882 sq. ft. over the permitted 3,500 sf ft. for a single family dwelling. In our current variance request, we are requesting an additional 449.3 sq. ft. above what was previously approved (resulting in $882 + 449.3 = 1,331.3$ sq ft over 3,500sf).

At the pleasure of the Zoning Board of Appeals please consider approval of the requested variance based upon the following:

1. Approval of this variance would not set a precedent for future variance requests because the inherently unique shape of the lot.

2. Other variance requests have been approved for projects exceeding the allowable 3,500 gross square feet on the typical rectangular shaped lots in the one family district.
3. Strict compliance with zoning ordinance provisions would unreasonably prevent the homeowner from use and enjoyment of the property and would render an unnecessary burden.
4. Granting of this variance would not be detrimental to other property owners in the area and would afford substantial justice to the homeowner.
5. The above statements and information provided in this document show evidence of a practical difficulty and granting approval would be in the overall spirit of the ordinance where it observes public safety / welfare and substantial justice.

Variance Requests:

Variance A – Gross Square Footage over the 3,500sf

Waive 449.3 sq ft of the maximum permitted gross usable floor area

Variance B – 12.5 ft encroachment into required 25.0 ft front yard setback.

Waive 12.5 ft of the required front setback as Addition is being built above existing one-story structure and maintains all existing setbacks.

Homeowner is seeking approval of a 449.3 sq ft upper level addition and 12.5 front setback for addition over the existing one-story structure on the south side of the current home. Please reference submitted renderings, floor plans and elevations.

If there are any other questions or concerns prior to the Zoning Board Meeting, please feel free to contact us.

Thank you for your time – it is truly appreciated.

Kindest Regards,



Douglas W. Leahy, M Arch - Assoc. AIA

GETA Design, LLC