

Written Statement for 39 Cleaves Hill Road ZBA Variance Application

The owners of 39 Cleaves Hill Road (Joshua and Greta Bretz) are asking the Zoning Board of Appeals (ZBA) for a variance on the 40 foot side setback bylaw (125.30 E.3) for a recently built detached garage structure. As seen in the attached as-built plan, one corner approaches 39.2 feet to the rightmost lot line. The rest of the structure, 99.9% of the foundation footprint, is set back over 40.0 feet. The town is withholding a final building permit until this issue is resolved.

The relevant part of town bylaw 125.30 E.3 states:

“... structures other than fences, signs, and poles shall be set back from the lot boundaries by at least 20% of required lot width or of (maximum) lot width, whichever is lesser.”

Every number that represents a physical measurement has a certain number of “significant digits.” In this case, 20% has at most two (2) significant digits. If three (3) significant digits were desired, then the number would have been expressed as “20.0%” which it was not, and neither was it expressed as “exactly 20%”. The number 20% therefore technically means any measurement between 19.50% and 20.49%.

The “required lot width” in this case is 200 feet, so 20% of 200 feet is the 40 foot reference measurement. 19.50% of 200 feet is 39.0 feet, and 20.49% of 200 feet is 41.0 feet. The “20%” number therefore represents a range of possible measurements between 39.0 feet and 41.0 feet.

Given that the nominal surveyed measurement of 39.2 feet lies within the specified range, the structure is technically conforming to the statute. We hope that the Zoning Board of Appeals will agree that the attached map meets both the spirit and the exact phrasing of the existing bylaw. We therefore humbly ask the Zoning Board of Appeals for relief.

Signed,

Joshua H. Bretz

Greta S. Bretz