



Staff Report

To: Development Review Board

From: Christopher Yuen, Community Development Director

Date: 07/13/2023

Subject: Variance application for one story addition constructed 1.5 – 8.5 feet from side property line at 50 West Street in the R-2 District, by Scott and Vicki Wolinsky, owners.

Scott and Vicki Wolinsky seek relief from the side setback requirement for a one-story addition at their existing single-family home at 50 West Street. The applicant states that this addition is necessary to get their two children into separate bedrooms. The minimum side yard setback requirement for all structures in the R-2 District is 8 feet. The minimum front setback is 15 feet, and the minimum rear yard setback is 25 feet for principal structures. The lot is long and irregularly shaped while the existing structure is perpendicular to the street frontage. The existing driveway, and utility connections limit options for adding a new bedroom on the front side of the house. See applicant's letter for more details on site constraints.

EXISTING CONDITIONS AND GENERAL INFORMATION

Project Location: 50 West Street

Project Area Size: 49,700 sf

Lot Frontage: 86.86 feet

Existing Land Use: Residential

Surrounding Land Use: Residential

Zoning District: R2

Minimum Lot Size: 7,500 sf (0.34 acres)

Lot Coverage: Existing and proposed lot coverage are far below maximums.

Permitted Lot Coverage: 30% for buildings; 40% total

Section 1703: REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF CHAPTERS 6 and 7

B. Action by Development Review Board

Section 1703.B of the Land Development Code states:

"The Board may approve or deny an application for a Variance. The Board may grant only the minimum relief necessary to allow the applicant reasonable use of the property in question. A use variance shall not be granted."

No Variance may grant rights to a particular piece of property, which is not allowed on other properties within the District except as necessary to allow reasonable use of the property as intended within the District."

C. Standards of Review

In accordance with Section 4469 of Title 24, Chapter 117, of Vermont Statutes Annotated, the Board may grant Variances if it finds that all of the following standards of review are met and such findings are included in its written decisions

1. "There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located."

The lot is long and narrow; with the frontage at an angle to the street.

2. "Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property."

Based on the applicant's reasoning, it would be impractical and cost-prohibitive to build the extension in strict conformity with the minimum setbacks.

3. "Unnecessary hardship has not been created by the appellant."

The applicant purchased this property this way and was not involved in the design and construction of the original structure.

4. "The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare."

It is common in the neighborhood surrounding the subject property for structures to be closer to the side property line than the minimum side setback of 8 feet. For example, the house across the street has a garage structure nearly up to the lot line. There are no structures on the part of the neighboring property (58 West Sreet) near the proposed addition as that portion of the neighboring property is a driveway. The principal structure of the neighboring property is set back approximately 345 feet and is nowhere near the principal structure on the Applicant's property (50 West Street).

5. "The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan."

The proposed addition would provide space for a 178 square foot bedroom.

If a variance is granted by the DRB, Staff will process the application under standard administrative review procedures.

The DRB should determine whether this application meets the criteria of Section 1703 of the Land Development Code, as well as Section 4469 of Title 24, Chapter 117, of Vermont Statutes Annotated, referenced in the LDC.

Figure 1: Map of subject property and surrounding properties. 50 West Street is marked with a star



Figure 2: close-up of subject property and surrounding properties

