

Staff Report

To: Development Review Board
From: Michael Giguere, City Planner
Meeting Date: March 20th, 2025
Subject: Variance application for the vertical expansion of the portion of the existing principal structure located within the front yard setback at 177 West Street in the R2 district by Adam and Eva Slocum, owners.

PROJECT DESCRIPTION:

Adam and Eva Slocum seek relief from the front setback requirement for the conversion of their existing duplex's attached garage into additional living space located three feet (3') within the front setback at 177 West Street. Their property is a corner lot with frontage on both West Street and West Street Extension, seeking relief from the front setback on West Street Extension. The applicants state that completing the conversion within compliance would create undue hardship due to the unusual geometry of their property. The proposed height of the converted fourplex is thirty-two (32) feet. If approved for the applied variance, the fourplex project would be administratively reviewed.

EXISTING CONDITIONS AND GENERAL INFORMATION:

Project Location: 177 West Street, Essex Junction, VT 05452

Project Area Size: 14,810 square feet

Lot Frontage: 282 feet

Existing Land Use: Residential

Surrounding Land Use: Residential

Zoning District: Residential 2

Minimum Lot Size: 7500 square feet

Lot Coverage: 22.4%

Permitted Lot Coverage: 30% (buildings), 40% (total)

177 West setback



3/12/2025, 8:21:39 AM

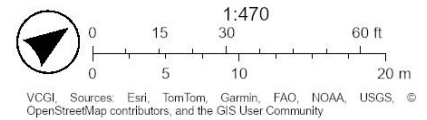


Figure A: Front setback on West Street Extension is drawn in transparent red, demonstrating 15-foot depth and existing conflict with the northeast corner of the garage. Source: VCGI

SECTION 600: OFFICIAL ZONING MAP

C. Setback Requirements on Corner Lots

For the purposes of setback requirements, corner lots in all districts are deemed to have two front yards (one on each street), two side yards, and no rear yards.

While this property meets the definition of a corner lot due to frontage on West Street and West Street Extension, the side facing West Street Extension does not function as traditional street frontage. This is due to an unusually large public right-of-way that results in an undeveloped area filled with trees along the frontage.

West Street Extension ROW



3/12/2025, 8:26:37 AM

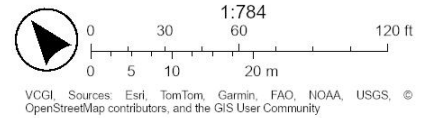


Figure B: 145.64 foot right of way width on West Street Extension. Source: VCGI



Figure C: View of 177 West Street's frontage on West Street Extension. Source: Google Maps

SECTION 802: NON-COMPLYING STRUCTURES

Staff have noted that the Land Development Code allows for the expansion of an existing non-conforming building if the following criteria are met.

B. Maintenance, Repair and Expansion

"1. Ordinary repairs and maintenance may be made to a non-complying structure, provided that the structure is not made more non-conforming. Staff shall determine what constitutes "ordinary repairs and maintenance". Appeals of such determinations shall be in accordance with Section 1701.

2. A non-complying structure may be enlarged or expanded provided that the following conditions are met:

(a) The enlargement or expansion, itself, conforms to all provisions of this Code except setbacks.

(b) The structure, as enlarged, does not diminish any required yard or setback areas except a setback line encroachment equal to the existing building line.

(c) The expansion does not exceed any maximum density, lot coverage, intensity or height limitations."

802.B.1 clearly attempts to limit changes that make a structure more non-conforming. A two-story structure within the front setback is arguably more non-conforming than a one-story structure on the same footprint; however, **802.B.2** appears to allow such enlargement, up to the district's 3-story height limit. Staff defers to the DRB to determine if the criteria in Section 802.B is met in this case.

If the DRB determines that the criteria in Section 802.B are met, further discussion of the variance request may be unnecessary.

SECTION 1703: REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF CHAPTERS 6 AND 7

B. Action by Development Review Board

“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 24 V.S.A. § 4469, the Board may grant Variances if it finds that all 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 shape presents an irregular front setback as an existing condition that creates unnecessary hardship for the applicant. The southeastern lot line slopes diagonally toward the backyard of the home and is constrained by an unusually wide 150-foot public right-of-way on West Street Extension.

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.”*

The home already exists in conflict with the front setback on West Street Extension and cannot be developed further in strict conformity with the provisions of the LDC.

3. *“Unnecessary hardship has not been created by the appellant.”*

The property owners have not created any additional unnecessary hardship.

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 public welfare.”*

The property has no recorded instances of public concern. The applicant attests that the proposed development will not impair adjacent property development and will be screened from view by the undeveloped wooded area along the public right-of-way on West Street Extension, limiting visual impact.

Staff do not see any potential reduction in access to renewable resources or threat to public welfare as a part of this variance request.

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.”*

This request, if approved, represents the minimum variance that will provide relief for the fourplex expansion, as no increase in setback encroachment or lot coverage is proposed. This variance, if granted, would only permit the applicant to expand the height of the existing structure while still meeting all other LDC requirements.

The DRB should determine whether this application meets the criteria of Section 1703 of the Land Development Code, as well as 24 V.S.A. § 4469, as referenced in the LDC.

Recommendation:

Unless superseded by a determination on Section 802.B, Staff recommend that the DRB approve the variance for the vertical expansion of the portion of the existing principal structure to a height of 32 feet located within the front yard setback at 177 West Street in the R2 district.

Recommended Motion:

I move that the DRB approve the variance for the vertical expansion of the portion of the existing principal structure to a height of 32 feet located within the front yard setback at 177 West Street in the R2 district.

City of Essex Junction, VT
Development Application

For Office Use:
SP 2, 2025
Permit #

| | |
|---|--|
| Planned Unit Development: Scale: _____ Minor _____ Major | Stage: _____ Conceptual _____ Preliminary (optional) _____ Final |
| Site Plan: Scale: _____ Minor _____ Major | Stage: _____ Conceptual _____ Preliminary (optional) _____ Final |
| Subdivision: Type: _____ Sketch _____ Preliminary | Other: <input checked="" type="checkbox"/> Variance _____ Conditional Use |

Property description (address) for application

177 West Street Essex, Jct. VT 05452

General Information

Applicant Adam and Eva Slocum Day Phone# 802-233-1156
Address 177 West Street Essex Junction, VT 05452
Email Address Evadam2017@gmail.com

Owner of Record (attach affidavit if not applicant)

Name _____ Day Phone# _____
Address _____

Applicant's agents

Name _____ Day Phone# _____
Address _____

Property information

Zoning District R2 Current Use Residential Duplex Tax Map # 40
Lot # 38 Lot size sf 43,560 14,810

Other Information

Street frontage (public or private) 282 ft. Proposed height 32 feet
Proposed number of stories 2 Estimated completion date October 1st, 2025
Proposed Parking Spaces 8 Required spaces 4
Landscape cost _____

Lot coverage (include all structures and impervious surface)

Existing (sq ft.) 3,314 plus proposed (sq ft.) 0 equals 3,314 total sq ft.
Divided by 14,810 lot sq.ft. equals .223 percent of lot coverage.

Submit one (1) full size copies, a PDF copy, GIS and supporting documentation required by the Code and the appropriate completed checklist for initial review by Staff. After Staff determines the application is complete, attach one (1) full size copies and six (6) 18" x 24" copies of your proposal, forty-five (45) days prior to a scheduled meeting. Applications that are not complete cannot be accepted for review.



Briefly describe your proposal (attach separate sheet if necessary)

- ① Turn existing garage into a 1 bedroom apartment
- ② Add a new one bedroom unit above the existing garage

Describe all waiver requests (if applicable)

I certify that the information on this application is true and correct. I agree to abide by all the rules and regulations as specified in the land development code and any conditions placed upon approval of this application. In accordance with the *Essex Junction City Council Policy for Funding Engineer Plan Review and Inspections*, the applicant, by signing this form agrees to pay for the actual cost of engineering plan review and construction inspections by the City Engineer.

[Signature]
Applicant

2/3/2025
Date

Land Owner (if different)

Date

RECEIVED

Staff Action

FEB 04 2025

Date received: City of Essex Junction

Meeting date: 3/20/25

Board Action Approved Denied

Date: _____

Other approvals/conditions: _____

****Fee based on sq.ft. of improved area per current Fee Schedule**

Staff Signature

Date

Fee Amount: **
\$ 115.00

Fee Verified
PAID
FEB 04 2025
City of Essex Junction



front porch
Driveway 18
Turn around

W.E. BLANCHARD

LARRY WELLS
#179 WEST STREET
(10,131 SF)

Deck
JEFF WELLS
#177 WEST STREET
(11,686 SF)

NEW COPPER
WATER SERVICE

F.A. PIETRYKA

STATE OF VT

STATE OF VT

