

TOWN OF PAWLET
DEVELOPMENT REVIEW BOARD

RE: Setback Variance, Mayhew Residence, 5234 Vermont Route 153, West Pawlet.

FINDINGS OF FACT

This proceeding before the Pawlet Development Review Board involves an application for a variance to permit the construction of an entryway staircase and porch that does not conform to the setback requirements outlined in the Unified Bylaws. The proposed construction replaces a stoop and steps previously removed by the applicant. The proposal now before the Board would come to 57' from the road centerline, 8' less than the required 65' setback. Therefore a variance is necessary in order to proceed.

I. Procedural Summary

On April 11, 2017 the Applicant submitted an Application to Eric Mach, Zoning Administrator, requesting a variance.

On April 19, 2017 the Application was given to the Development Review Board.

On May 3, 2017 the Development Review Board Met and the information was presented to them.

On May 31st, 2017, the Development Review Board met and the information was presented to the board. The Board proceeded to deliberate this proposal, and arrived at a decision.

During the deliberation, the Development Review Board considered whether the project meets the standards required for the issuance of a zoning variance as defined in Article IX Section 9 of the Unified Bylaws.

II. Decision

After deliberation the Development Review Board grants a variance to the setback requirement stated in Article II, Section 7.

Article IX Section 9 of the Bylaws provides five standards by which the merits of a request for a zoning variance must be judged. These standards were resolved as follows:

1. The first standard set out by the Bylaws requires that a lot have "unique physical circumstances" that create a situation in which the zoning regulations result in "unnecessary hardship." In this case, the structure is located 63' from the centerline, an existing non-conformance with the applicable setback requirement of 65'. The Board finds that the location of this structure presents a physical circumstance preventing strict

compliance with the setback requirements.

2. The second standard set out by the Bylaws requires that there is no possibility that the site can be developed in strict conformity to the Bylaws due to physical circumstances, therefore requiring a variance to enable reasonable use of the property. In this case, the proximity of the structure to the road requires a variance to the setback requirement in order to enable the creation of an entry walkway, which the Board finds to be necessary to reasonable use.
3. The third standard set out by the Bylaws requires that the applicant has not created the hardship that necessitates the variance. In this case, the conditions in question are the physical characteristics of a structure that was not situated or built by the applicant.
4. The fourth standard set out by the Bylaws requires that the variance not alter the essential character of the area, be detrimental to the public welfare, or impair the use or development of adjacent property. The Board finds that this proposal supports the essential character of the area and the stated purpose of the zoning district. We find that this proposal in no way impacts the public welfare. Because the proposal moves towards the road but remains well away from the right-of-way, the Board finds that it has no impact on the use or development of adjacent lands. All abutting property owners were notified of this proposal, and no objections were voiced.
5. The final standard set out by the Bylaws requires that the variance represent the minimum deviation from the Bylaws that will afford relief. We find that the plan before the Board conforms to the Bylaws to the greatest degree reasonably possible, given the physical constraints of the site.

Approved May 31st, 2017, by the Pawlet Development Review Board

Keith Mason, Chairman

Sarah Ludlam

Brian Rawls

Jonathan Weiss

Lenny Gibson