

VARIANCE APPLICATION
Setbacks for Home Addition
VAR-003-25

Owner: Gerald and Jean Ann Buffo 142 Bayview Road Georgia, VT 05454	Applicant: Brad Rabinowitz, Architect 47 Maple Street Burlington, VT 05401 PH: 802-658-0430 Email: brad@bradrabinowitzarchitect.com
Property Tax Parcel & Location: 142 Bayview Road, Georgia, VT 05454 Parcel#115390000 Zoning District: R-1	

BACKGROUND

Brad Rabinowitz, hereafter referred to as Applicant, is requesting a variance of the setbacks required to draft an addition to the Buffo home. The parcel is located at 142 Bayview Road within the R-1 zoning district. The parcel is ± 1.9 acres in size, benefitted by ± 40 ft of frontage along Bayview Road.

Applicant proposes a reduction in the current side setbacks from 50 feet to ± 25 feet in order to accommodate an addition which enlarges the main bedroom and bathroom as well as the family room on the lakeside. Part of the proposal also includes a heated connection to the existing garage. No bedrooms are added as part of this project.

Upon review of the Town of Georgia files, there is no record of the original subdivision approval findings and what the original setbacks proposed were for the PUD subdivision. Absent any documentation, this Variance request is addressing the Town standard for setbacks in the R-1 zoning district.

PUD's typically define their own setbacks within the PUD-established property lines. The application paperwork includes the original PUD plan, "Bayview PUD Plans," showing property lines and several house locations that were on the original submittal. The houses shown on the plan have setbacks between 10 feet and 35 feet. Given that many of the lots created are 150 feet wide or less, a 50 foot setback would seem like an usually large setback for such a narrow lot.

This request for variance is governed under Section Article 3.5 (C) of the Town of Georgia Zoning Regulations.

VARIANCE JUSTIFICATION

Setbacks for R-1 Zoning District

Per Town of Georgia Development Regulations dated February 27, 2023 Section 6.4B

	R-1 Required:	142 Bayview Road Proposed:
Minimum lot size	20 acres	±1.9 acres
Lot Frontage	350 ft.	±40 ft.
Front yard setback	100 ft.	±350 ft.
Left Side yard setback	50 ft.	± 25 ft.
Right Side yard setback	50 ft.	±160 ft.
Rear yard setback	50 ft.	± 120 ft.

All applications for variance must be heard by the Development Review Board according to the criteria set forth in 24 V.S.A. Section 4469(a). The DRB must find that your application meets **all five of these criteria** in order to approve your application:

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 unique features of the original subdivision as approved did not appear to have 50 foot setbacks.
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:* Given that the existing house as constructed does not meet the 50 foot the lot cannot be developed in compliance with the setback requirements.
3. *The unnecessary hardship has not been created by the applicant:* The lack of historical data in the Town records makes confirmation of the original approval unavailable.
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:* The houses as developed in this PUD over the last 44 years are consistent with the lower setback of 25 feet.
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 minimum impact would be to match the apparent existing setbacks throughout the PUD.

Respectfully submitted,

Kollene Caspers
Zoning Clerk
Planning & DRB Clerk