

**Variance Application
 Setbacks for Pool
 VAR-001-24**

Owner: William and Michele Orosz 28 Stein Drive Georgia, VT 05468 # 419-512-3203 Shellylynn210@aol.com	Property Tax Parcel & Location: 28 Stein Drive, Georgia, VT Parcel#111590000 Zoning District: AR-1
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BACKGROUND

William and Michelle Orosz, hereafter referred to as Applicants, are requesting a variance of the setbacks required to erect a 24-foot pool in the backyard on their property. The parcel is located at 28 Stein Drive, a PUD neighborhood within the AR-1 zoning district. The parcel is ±2.03 acres in size, benefitted by ±250 ft of frontage along Stein Drive.

Applicant proposes a reduction in the current Right Side Yard Setbacks by 50% in order to accommodate the pool. This request for variance is governed under Section Article 3.5 (C) of the Town of Georgia Zoning Regulations.

VARIANCE JUSTIFICATION

Setbacks for AR-1 Zoning District

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

	AR-1 Required:	PUD:	28 Stein Drive:
Minimum lot size (four household dwelling)	5 acres	.75 acres	±2.03 acres
Lot Frontage	250 ft.	N/A	250 ft.
Front yard setback	75 ft.	N/A	75 ft.
Left Side yard setback	40 ft.	N/A	40 ft.
Right Side yard setback	40 ft.	N/A	20 ft.
Rear yard setback	40 ft.	N/A	40 ft.

In addition to the variance request, Applicant submitted a waiver request to reduce setback by 50%.

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 current lot is a nonconforming lot in acreage, part of a PUD, that did not address setbacks in the DRB decision letter or the deeds. The right side of the house is the best location for the pool, given the rear of the property contains slopes and trees, the left side of the house is shared mound and septic tank, propane and wooded tree area. The proposed area for the pool will preserve the integrity of the land without undue hardship.

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:* Without a variance of the current setbacks the Applicant will not have full use and enjoyment of their property.
3. *The unnecessary hardship has not been created by the applicant:* no hardship has been created by applicant. Allowing a variance on the right side of the house will ensure no topographical 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 the public welfare:* The swimming pool will not alter the character of the property, the swimming pool is not a permanent structure and will not effect the neighbors.
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 applicant is requesting a 50% reduction in the Right-Side Yard setback requirement as they plan to make minimal changes.

Respectfully submitted,

Kollene Caspers
Zoning Clerk
Planning & DRB Clerk