

Staff Review 11/17/2021

Lewis Gordon request for Waiver of Dimensional Setback

Property Location: 416 Andover Road

DRB Case # 573

Requested Use: Construct a 26-foot by 22-foot attached garage on the south side of the existing house and a 16-foot by 22-foot storage lean-to on north side of the existing house within the minimum front yard setback.

INTRODUCTION

Lewis Gordon purchased the old Simsbury Schoolhouse (constructed in the 1830's) on 1.31 acres from the Town of Chester in August of 2006. A state Wastewater and Water Supply permit (WW-2-2813) for a 3-bedroom single-family residence was issued in September of 2007. A zoning permit for a 24-foot by 16-foot back porch was issued in August of 2009. The property was conveyed by Lewis Gordon to his stepson, Eric Griffin, in August of 2019 with Lewis Gordon retaining an enhanced life estate with all rights of ownership until his death.

The applicant now applies (DRB Case #573) to construct a 26-foot by 22-foot attached garage on the south side of the existing house and a 16-foot by 22-foot storage lean-to on north side of the existing house within the minimum front yard setback.

ZONING DISTRICT AND ALLOWED USE

This property at 416 Andover Road is in the Residential 120,000 (R120) District where single family residences and accessory structures are permitted uses. The R120 District requires a minimum front-yard setback to be measured from the shoulder of the road.

WAIVERS FOR ZONING DIMENSIONAL STANDARDS (Section 7.16.B, page 112-114)

1. APPLICABILITY

A waiver of the front dimensional setback could be granted to accommodate criterion (vi) *"To avoid encroaching into a seasonal stream buffer or to avoid building in the Special Flood Hazard Area."*

A seasonal stream passes by the north side of the existing house. The 16-foot by 22-foot lean-to addition can be built on the north side of the house without encroaching into the 25-foot steam buffer but a 26-foot by 22-foot garage cannot.

The only suitable place for a 26-foot by 22-foot garage in the back of the property (and meeting dimensional setbacks) would be within the 2% chance (200 year) floodplain. Although the Chester bylaws only limit construction within the 1% chance (100 year) floodplain it seems dubious for the DRB to require a garage in an area known to be susceptible to flooding.

2. REVIEW CRITERIA

a. Granting a waiver will not result in an unsafe condition of the lot or to the public.

The Chester Public Works Director has stated that he does not believe a garage and lean-to at 25-feet from the shoulder of the road would create an unsafe condition.

- b. Incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings), or other remedies to reasonably limit impact or the potential for impact upon the neighbors or public rights-of-way.

The garage doors will be at the end of the garage and not the side facing the road.

- c. The waiver requested would not impair sight distances on or maintenance of public or private roads or sidewalks.

The property is on a straight stretch of Andover Road and sight distances would not be impaired.

- d. The proposed work or construction does not encroach into the required front, side or rear yard setbacks any more than necessary to accomplish the desired results.

The property is hampered by a steep bank behind the existing house. Cantilevering the garage over the bank on piers or fill is not possible because that is where the septic tank is located.

- e. The proposed development is compatible in scale and design of structures and the overall existing development patterns of the surrounding area.

The garage and lean-to will be rustic but not incompatible with other structures in the surrounding area. A waiver of the front yard setback for a barn/garage at 603 Andover Road (within sight of this property) was granted by the then ZBA in 1992.

- f. The waiver resolves a practical difficulty in developing the property and allows reasonable use of the property.

This property is a focus for enforcement of Chester's *Ordinance Regulating Outdoor Storage of Junk and Junk Vehicles*. Lewis Gordon's stepson Eric Griffin is a stockcar racer at the Claremont Motorsports Park (Speedway) and the requested garage and lean-to would permit Eric to work on his vehicles and store vehicle parts under cover and out of sight. The requested garage and lean-to would help in achieving compliance with Chester's junk ordinance.

- g. In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.

The old Simsbury Schoolhouse is historic and is an existing nonconforming structure. The proposed garage and lean-to addition will be no closer to the road than the existing nonconforming structure.

CONDITIONAL USE REVIEW STANDARDS (Waiver requests are also subject to the requirements and review procedures under Section 4.8 for Conditional Uses)

- 1. GENERAL STANDARDS (Section 4.8, see pages 65-66)

- a. The capacity of existing or planned community facilities

A garage and storage lean-to are permitted uses in this district.

- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located

The purpose of the R120 District is "To provide lower-density residential neighborhoods with compatible home businesses and working landscape uses that are consistent with the Chester Town Plan." While rustic, the requested garage and lean-to addition and their proposed uses are consistent with a working landscape and should make the overall appearance of the property more consistent with the character of the area affected.

c. Traffic on roads and highways in the vicinity

A garage and storage lean-to are permitted uses in this district.

d. Bylaws and ordinances then in effect.

None. A garage and storage lean-to are permitted uses in this district.

e. Utilization of renewable energy resources.

None. A garage and storage lean-to are permitted uses in this district.

2. SPECIFIC STANDARDS

a. Lot and Yard Requirements under Section 3.14

The application does not meet the front yard setback and a waiver is requested.

b. Distance from adjacent or nearby uses;

There is a residential dwelling 500 feet north of this property and 300 feet south of this property on the same side of the road. There is no dwelling across the road.

c. Minimum off-street parking and loading facilities under Section 3.20

A garage and storage lean-to are permitted uses in this district and do not add to the parking requirements.

d. Landscaping and fencing under Section 3.13

No landscaping is proposed.

e. Design and location of structures and service area

The maintenance and repair of a race car by the owner is a hobby and not a business and this criteria does not apply.

f. Size, location and design of signs under Section 3.26

No signs are requested.

g. Performance Standards under Section 4.9

Performance Standards regarding (A) noise; (B) air pollution; (C) glare, light or reflection; (D) safety hazards; (E) electromagnetic disturbances; and (F) underground storage tanks or ground/surface water pollution appear to be met by this application.

h. Other such factors as these Bylaws may include

None



VERMONT

Application for Hearing before the Development Review Board

Applicant name: Lewis Gordon

Applicant address: P.O. Box 624, Chester, VT 05143

Applicant email: none Phone: 802-875-4758

Landowner name (if different): Eric Griffin with reserved life estate to Lewis Gordon

Landowner address: same

Landowner email: none Phone: 802-875-4758

Location of property: 416 Andover Road, Chester

Description of Request: Construct a 26-foot by ^{22'}26-foot attached garage on the south side of the existing house and a 16-foot by ^{22'}12-foot storage lean-to on the north side of the existing house.

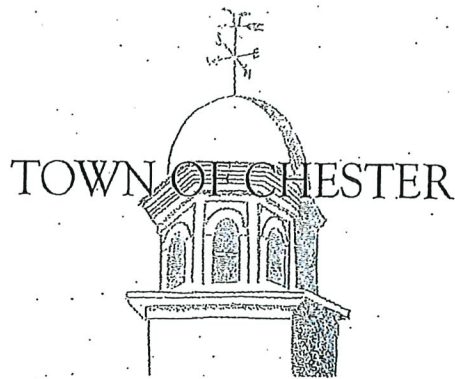
If new construction is involved, provide a **sketch or plan** showing the boundaries of the lot, the distance from the proposed new construction to each boundary, and the dimensions of the new construction together with its position on the lot in relation to existing buildings and driveways.

After receipt of this application, the Zoning Administrator will inform you of what further information is required.

Applicant Signature Lewis Gordon Date 11/8/21

** TO BE COMPLETED BY THE ZONING ADMINISTRATOR**

Parcel Map #:	<u>36-20-11</u>	Zoning District:	<u>R120</u>	DRB Case #:	<u>573</u>
Type of application:	<input type="checkbox"/> Conditional Use Approval, <input type="checkbox"/> Flood Hazard Review, <input checked="" type="checkbox"/> Waiver or Variance <input type="checkbox"/> Appeal of decision of Zoning Administrator, <input type="checkbox"/> Other _____				
Received with \$200 application fee	<u>P.B.</u>	(ZA initials)	Date <u>11/8/21</u>		



ZONING OFFICE
556 Elm Street
P.O. Box 370
Chester, VT 05143

(802) 875-2173 office
(802) 875-2237 fax
zoning@chestervt.gov
www.chestervt.gov

TOWN OF CHESTER
NOTICE OF HEARING FOR WAIVER OF DIMENSIONAL SETBACK

Lewis Gordon has applied for a waiver of dimensional setback for the property located at 416 Andover Road in the Town of Chester. The proposed use is to construct a garage and a lean-to addition within the minimum front yard setback.

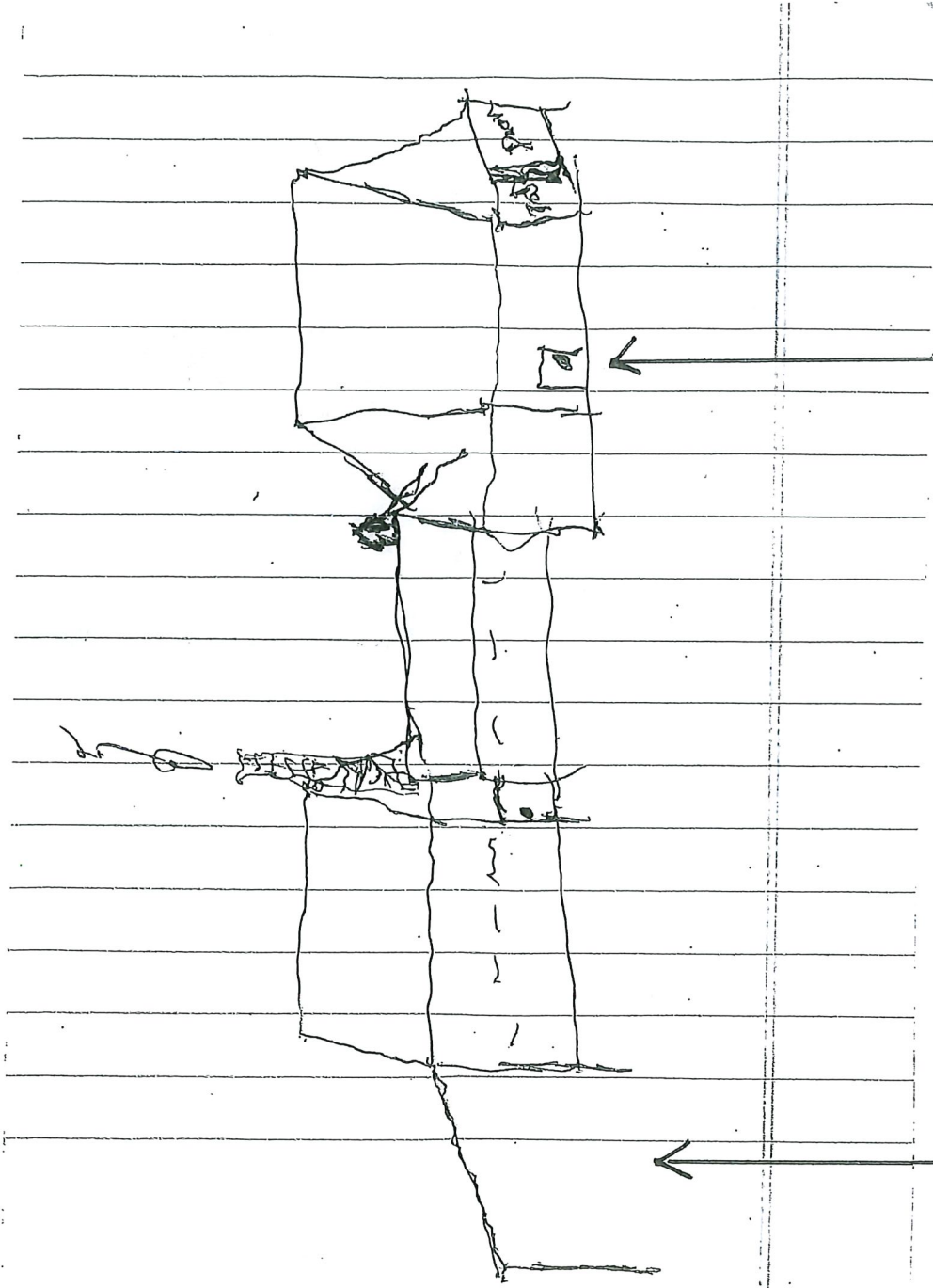
The Town of Chester Development Review Board will conduct a site visit at 3:45 PM on Monday, November 29, 2021, at 416 Andover Road and will hold a hearing on this application at 6:00 PM on Monday, November 29, 2021, at the Chester Town Hall at 556 Elm Street in Chester. A copy of the application and additional information may be obtained from the Zoning Administrator. Participation in this hearing is a prerequisite to the right to take any subsequent appeal.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at www.chestervt.gov.

Dated at Chester, Vermont this 8th day of November 2021.

Preston Bristow
Zoning Administrator
(802) 875-2173
zoning@chestervt.gov

116 Andover Road

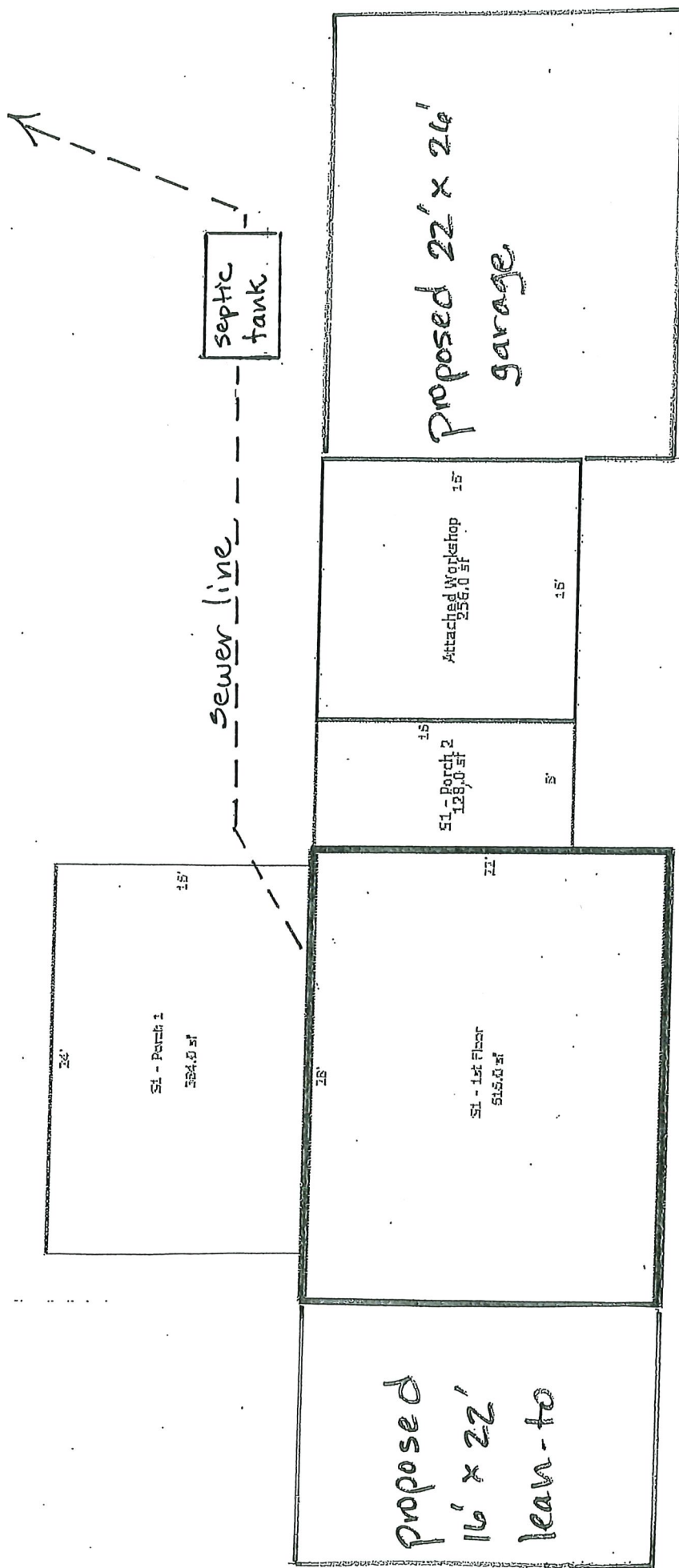


Proposed 16' x 22'
lean-to

Proposed 22' x 26'
garage

Sketch

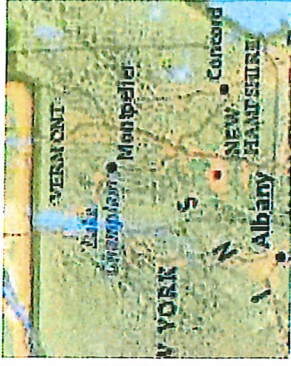
414 Andover Road





416 Andover Road, Chester
Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Flood Hazard Areas (Only FEMA)**
- AE (1-percent annual chance flood)
 - A (1-percent annual chance flood)
 - AO (1-percent annual chance zone feet)
 - 0.2-percent annual chance flood ha

Roads

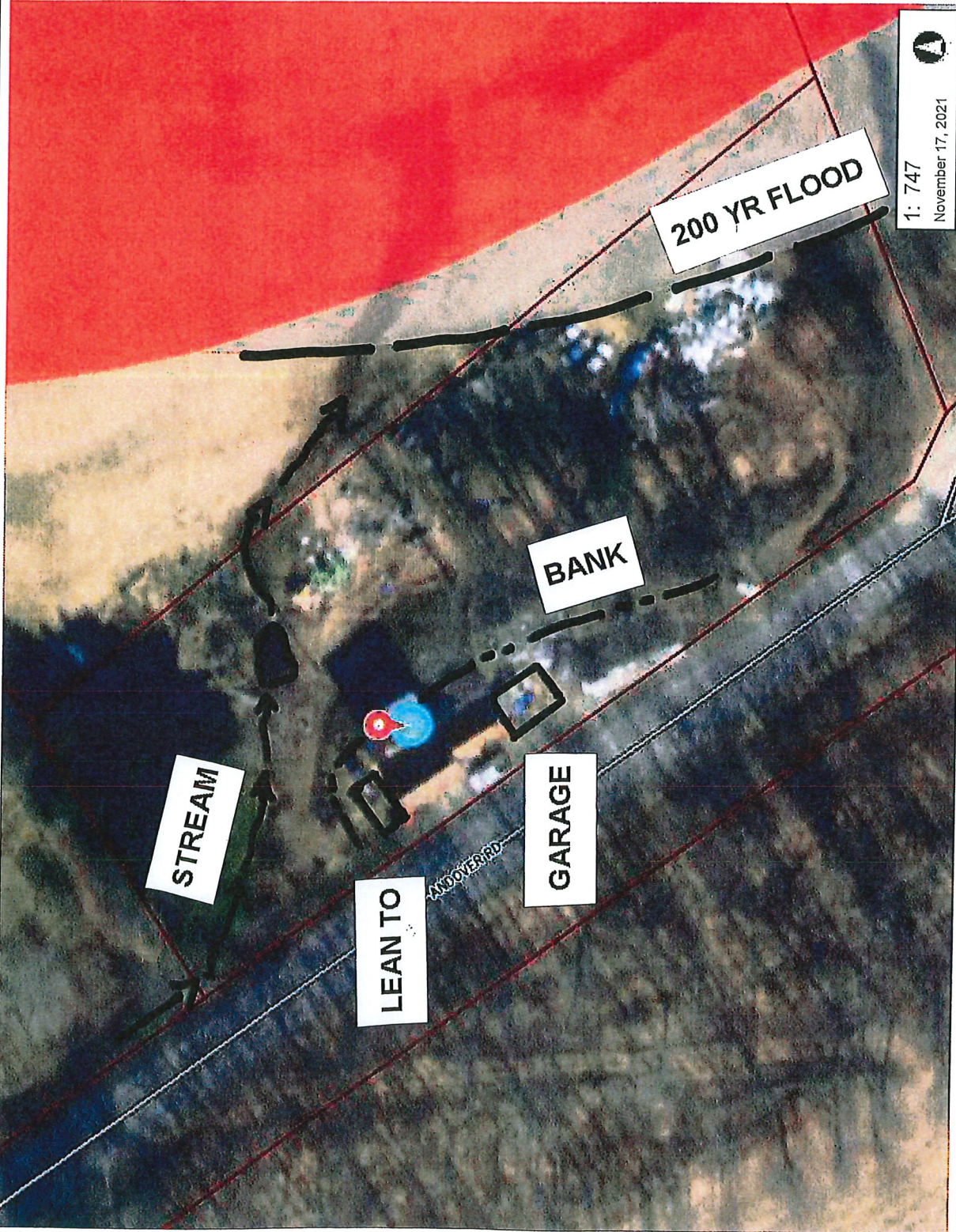
- Interstate
- US Highway: 1
- State Highway
- Town Highway (Class 1)
- Town Highway (Class 2,3)
- Town Highway (Class 4)
- State Forest Trail
- National Forest Trail
- Legal Trail
- Private Road/Driveway
- Proposed Roads

Stream/River

- Stream
- Intermittent Stream
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas



1: 747

November 17, 2021

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38.0 Meters 19.00 0 19.00 38.0 Meters
 1" = 62 Ft 1cm = 7 Meters
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