

**TOWN OF DUMMERSTON**  
**Development Review Board**  
**VARIANCE DECISION**

**Application:** Variance Application # 3238 dated July 20, 2010

**Applicant:** Hugh Worden  
138 West Street  
West Dummerston, VT 05357

**Property:** 138 West Street  
West Dummerston, VT 05357

The applicant, Hugh Worden, requested a front yard setback variance to allow “for 3 foot addition to” replacement steps and “add 4.5 foot “roof over new steps” within the road setback area. Immediately prior to the Hearing, the members of the Development Review Board (DRB) present (see listed Board participants below) met with the applicant and his wife, Melissa Worden, at the property site for review of the proposal and variance needs.

A hearing for Variance consideration was duly warned for Tuesday, August 10, 2010, to be held at the Dummerston Town Offices by publication in the Brattleboro Reformer and by postings at three established town locations. The required Posting Notice and notification of the adjacent property owners was completed and certified by the applicant (Exhibits 3 and 4).

Present at the Hearing were Development Review Board members, Patricia Jaquith , Lew Sorenson and Herb Rest; alternates John Warren and Rick Sullivan; Charlotte Annis, Zoning Administrator, and the applicant, Hugh Worden.

**FINDINGS OF FACT:**

The Board finds as follows:

1. The applicant filed the current application #3238 on July 20, 2010 requesting a variance of the front yard setback requirements in a Village District for the replacement of existing entry stairs and for the addition of a landing roof, resulting in an increase in the non compliance square footage.
2. The permit application #3238 filed July 20, 2010, was not approved by the Zoning Administrator on the basis of Section 235 of the Zoning Bylaw which requires a 50 foot property line front yard setback in a Village district.
3. The applicant owns the 138 West Street property, a historic approximately 100 year old structure that predates the current zoning and is located entirely within the front yard setback requirements. The property is located in the West Dummerston Village district, a district of mixed residential, institutional, home

business and public uses. Many, if not most, structures are non conforming to front yard setback standards and predate current zoning requirements.

4. The applicant proposes to replace the current concrete stairs with a landing and stairs that expand the current stair area approximately 15 square feet to the north side of the property but no closer to the front property line and in conformance with the side yard setback requirements. Also proposed is the addition of a roof that extends 4.5 feet from the side of the dwelling (to cover the upper landing at the doorway) and of adequate dimension to provide a reasonable overhang, anticipated to be 8 to 12 inches beyond the 5 foot stair tread width. The roof will add up to an additional one (1) foot (4.5 square feet of structure) toward the front property line.
5. The current stairs are worn and allegedly do not meet current riser and stair width standards. The affected entryway is the primary functional access/egress point for the dwelling. The current stairs begin immediately at the doorway and there is a concrete landing pad at the bottom of the stairs.
6. Current lighting is provided by two standard domestic fixtures that flank the doorway. Illumination is unfocused. Proposed lighting for the rebuilt entryway will be downwardly directed and may or may not include the current existing lighting noted above.
7. A common leech field for several village residences is located below the 138 West Street property dwelling. Connecting piping to that leech field runs in close approximation to the extended new stair placement. Relocation of connecting piping away from the proposed construction will be accomplished prior to the proposed construction, according to the applicant's testimony.
8. The applicant testified that the reconfigured stair design placing a landing at the doorway level and resizing the stairs to meet current standards is in the interest of safety at the primary dwelling entrance. In as much as this is essentially a replacement of existing stairs, the location is historically established and not a condition established by the applicant. The redesign is the minimum dimension that will meet safety dictates and will improve rather than detract from the character of the neighborhood. Mr. Worden further testified that he has the support of his neighbors for this construction.
9. A relocation of the stairs to any other location of the dwelling will also fall into the front yard setback area. While less visible from the street if located to the rear of the dwelling, the drop-off land contour requiring a larger and more complex structure would result in a larger area of non compliance and possibly be aesthetically less pleasing and functionally less practical.
10. The Board heard no testimony at the hearing other than the applicant's. No written testimony was submitted.

## DECISION

The Board concludes that the proposed construction affirmatively addresses the five

required findings for the granting of variances set out in the State Statute and Bylaw Section 728. The Board hereby approves the variance with the following conditions:

1. The project conforms to the application materials and testimony of the applicant as set out in this section.
2. The roof overhang will not exceed one (1) foot beyond the front yard face of the landing.
3. Additional lighting, if installed, be shielded and downwardly directed so as to provide access illumination while minimizing the light diffusion experienced from West Street.

The following members of the Dummerston Development Review Board participated and concur in this decision. This Decision is subject to appeal as provided by Vermont statute.

Lew Sorenson, Pat Jaquith, Herb Rest,  
John Warren and Rick Sullivan  
DUMMERSTON DEVELOPMENT REVIEW BOARD

Dated: August 20, 2010

---

Herbert F. Rest, Chair  
For the Board