

Hearing Date: April 28, 2026
Case: Case # 2026-005
Applicant(s): Karl Bortz
Subject Parcel: #22033165
Address: 165 Federal Street
Review Requested: Variance Request

I. Description of Request and Relevant Facts

1. Applicant's submission is for Variance Request for extending the building and roof beyond the side setback.
2. This property is located in the B2 – Transitional Business District and the DR3 – Residential Design Review District.
3. The property currently is a single-dwelling unit.

II. Public Notice

The warning of the public hearing and the certified mailings to abutters were completed as per statutory requirements in 24 V.S. A. Chapter 117.

III. Completeness of Application

The applicant has submitted an application with sufficient information for the Development Review Board to make a ruling on the completeness of the application, including possible requirements for supplemental information and evidence before the hearing can be Closed. Staff will advise the applicant of any known deficiencies in the application before the hearing.

IV. Applicable Regulations and Review Standards

The process and standards for Variance Request are found in the City of St. Albans Land Development Regulations in Section 905, and there are other applicable standards in the

Regulations. Staff has listed and highlighted what we feel are relevant sections below for reference, and it is possible that there are other relevant sections not listed below. Staff recommendations and concerns regarding possible deficiencies in the materials presented are **highlighted**.

Section 905 Appeals, Variances

Section 905.2 Variances

- A.** The Development Review Board may grant a variance from the provisions of these regulations following application and public hearing if all the following findings of fact are specified in its decision:
- 1.** That 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 such conditions; and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.
 - 2.** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 3.** That the unnecessary hardship has not been created by the appellant;
Staff note: The shed was built prior to the current ownership.
 - 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, nor be detrimental to the public welfare; and
 - 5.** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulations and the Comprehensive Municipal Plan.
- B.** Establishment or expansion of a use not permitted with or without conditions by these regulations shall not be allowed by variance. Pursuant to Section 4473 of the Act, the Development Review Board may not amend, alter, invalidate or affect any of these bylaws or the implementation or enforcement thereof, or allow any use other than those permitted with or without conditions in the applicable district.

V. Supplemental Staff Analysis and Recommendations

1. Staff cannot locate any survey or site plan for this property, but has attached an old sketch from a previous Certificate of Compliance. Staff believe the shed is nonconforming and does not meet the 5' setback from the property line. Extending the roof on the North side of the property would make it more non-conforming.
2. Staff does not believe that A. 1, 2, 4, & 5 of the above criteria for a variance request have been met.

VI. Other Relevant Information

Previous Permitting Actions for Subject Parcel

1. June, 2024 – Permit issued for new roof, with overhang.
2. August, 2023 – DAB Case 2023-016, for recommendation of new side steps and replacing/changing roof material.
3. May, 2019 – DAB decision issued for Case 2019-005, for a new fence and entryway.
4. June, 2014 – Permit issued for new windows and a new woodshed.
5. **September, 2005 – Permit issued for new detached shed. Permit states the detached shed was to be 5' from the boundary line.**

There are 20+ additional older documents including but not limited to: Certificates of compliance, DAB decisions, and permits for fencing, interior renovations, porch work, concrete patio, and new windows.

Overhead View (Google)



Respectfully Submitted,

Sara Bennett

Sara Bennett
Property Services Manager

Case Number: DRB 2026-005



SAINT ALBANS *Vermont*

RECEIVED
APR 13 2026
CITY OF ST. ALBANS Zoning Office

APPLICATION for a PUBLIC HEARING and/or DESIGN REVIEW

under the CITY OF SAINT ALBANS LAND DEVELOPMENT REGULATIONS

Applicant(s) Karl Bortz Daytime Phone 802-343-2125
 Landowner(s) same Daytime Phone _____
 Mailing Address 165 Federal St Parcel ID # 22033165
 Parcel Address St. Albans Zoning District B2
 Design Review Dist. DR3
 Email none

Description of Proposed Activity (attach additional pages as needed)

extended Building and roof 3'11" north
extended Building east 3'11" and roof 19'1"

Print Name of Owner: Tracy Whitcomb
 Signature of Owner: [Signature] Date: 4/28/2026
 Print Name of Applicant: Karl Bortz
 Signature of Applicant: [Signature] Date: _____

Required Reviews and Fees – To be completed by Staff		DAB \$15
Design Advisory Board¹	Development Review Board^{2,3}	
Design Review - <u>\$15</u> / \$45 ⁴	(Some combined reviews are \$50 each. See below.)	
Site Plan Review - \$15 / \$45 ⁴	Design Review - \$90 / \$140 ⁴	
	Conditional Use Review - \$90 / \$140 ⁴	
	Site Plan Review - \$90 / \$140 ⁴	
	Subdivision (per lot) - \$90 / \$140 ⁴ #lots	
	ZA Decision Appeal - \$90 / \$140 ⁴	
	<u>Variance Request - \$100</u>	\$100
	Abutters Notice \$7 x <u>4</u> (# abutters) (DRB ONLY)	\$28
	Records Management Fee - \$12 (DAB & DRB)	\$12
	City Clerk Fee (DRB ONLY) - \$15	\$15
	Amount Remitted:	\$170
	Check # _____ of Cash Date: <u>4/13/26</u>	

Warning Posting Dates:
 _____ to _____

**(PLEASE TURN OVER FOR
 ADDITIONAL INFORMATION)**

¹ For any DAB review, the applicant will not be placed on the required meeting agenda until all fees are paid. Failure to pay fees on time could delay your review by at least one month.
² For any DRB review, the applicant will not be placed on a warning and will not receive the required hearing notice to post on site until all fees are paid. Keep in mind that all applications must be warned and posted AT LEAST 15 days before the hearing. Failure to pay fees on time could delay your review by at least one month.
³ When a warned hearing is combined for design review, conditional use, site plan, and/or subdivision, the first request is \$90 and each subsequent request is \$50. This does not include combining with a variance.
⁴ After the fact.

Sec 905.2

- ① unique physical characteristics
I personally consider 79' ie lot size to be small
- ② because of existing physical characteristics of shed location to much of a mammoth task to move it in to meet 5' set back not neighbors garage roof is on the property line ie example
- ④ the variance will not alter the look of the neighborhood it will improve it ie built to last with proper overhang

⑤ I'm asking the minimum try to do the right thing

P.S. note the shed is skewed to the property line

also I've asked for 3" til walls like (over) that's 16" overhang







