

Westhampton Zoning Board of Appeals

Decision and Variance Granted

On September 22, 2021, a public hearing was held at the Westhampton Town Hall by the Zoning Board of Appeals, in response to Application V225. This application was submitted by Wade Clement, of 15 North Road, in Westhampton, and was seeking a variance allowing him permission to widen the stoop at his front door into a porch 6 feet and 3 inches deep and extending to the full width of the main part of his home. The variance was needed because the front of their house is within the 50 foot setback required by Westhampton Zoning Bylaws.

All five members of the Zoning Board were present, David Loven, Laurie Sanders (clerk), John Kelsey, Peter Ignatovich, and Richard W. Tracy (chair).

Mr. Clement was unable to attend because of recent surgery, and his case was presented by his wife Michele Wagner. There were two abutters and another interested citizen in attendance. Ms. Wagner explained that their home is situated on the edge of a steep embankment so there is no way they can expand away from the road. On the road side they have a concrete set of steps which in their reading of the bylaws constitutes a structure. They would like to construct a porch which would only be as deep as the current steps, and would extend to the width of the main part of the home. They feel this would enhance the looks of the home, and be more attractive for the neighborhood. The Clements had taken an explanation document to residents in the neighborhood and 30 people had signed this paper supporting the issuance of a variance. This paper was submitted to the board. Ms. Wagner then read a letter from abutter John Shaw who was unable to attend (the Board also received this letter). Mr. Shaw referred to the bylaws and stated he felt the requirements for a variance were satisfied.

Ms. Wagner was asked if the existing steps would be incorporated into the new porch. She answered no, that new steps would be built on the north end of the porch so they would not be closer to the road. She was asked if the roof would be a continuation of the existing roof. She referred us to the diagram, which was

submitted with the application, showing a flatter pitch for the porch portion. Dave Loven asked if the porch would be open or enclosed. She stated open.

The hearing was then opened for public comment, and the chair asked if anyone wanted to speak in favor of the proposed variance. Susan Bronstein, chair of the Planning Board, stated they had discussed the proposal and were supportive of it. She stated also, for transparency, that Mr. Clement was a member of that board.

Jim O'Rourke and wife Sue O'Rourke, abutters, both stated they were in favor saying they thought the porch would enhance the looks of the neighborhood.

There was no one there who opposed this request.

The public portion of the hearing was then closed.

Chairman Tracy then laid out the situation of the 50 foot front setback. He explained that historically most of the houses near the center of town are in the same situation of being within the required setback. In the early days this was done for ease of accessibility, and back then, noisy traffic was not a problem. His point was that the change of frontage setback was for practical reasons, and was not intended to be a punishment for older homes. John Kelsey stated he felt the three requirements for a variance were met, and since there was no opposition we should move forward.

Kelsey stated:

Requirement A was met because if the house was further from the road it would be floating on the air.

Requirement B was met because the literal enforcement of the bylaw would prevent the owners from improving their home, both visually and financially.

Requirement C was met because we felt the change would not have any negative affect on the neighborhood, and because all of the abutters and neighbors have indicated they support the project.

After some discussion, and general agreement, Kelsey moved:

That the Zoning Board of Appeals approve the request of Application V225, by Wade Clement, for a variance at 15 North Road, and allow the construction of a porch within the front setback since the three requirements of section 6.11 (a-c) have been met as stated above. This variance is granted with the condition that no part of the porch shall extend further from the main house than 6'3" and the steps shall be located on the North end towards the existing garage.

The vote was taken with all in favor: Ignatovich voted yes, Sanders voted yes, Tracy voted yes, Kelsey voted yes, and Loven voted yes.

It was explained that a 20 day appeal period would follow after the decision was filed with the Town Clerk. Following that time it is required of the applicant to record the variance at the Registry of Deeds.

Peter Ignatovich moved to close the hearing. It was seconded by Kelsey, and all voted in favor. The hearing was closed at 7:40pm.

Respectfully submitted,

Richard W. Tracy, chair