

Town of East Montpelier

ZONING PERMIT

NOTICE

[To Be Displayed on the Property in Full View of the Public Right-of-Way]

Date Issued: May 10, 2016

Effective Date: May 25, 2016

Location: 2720 Towne Hill Road

Owner: Robert Onne & Jeanne Malachowski

For: 24' x 20' 2-Bay Shed

Application # 16-005

Approved by: **C. Bruce Johnson, ZA**

Do not start project or commence use prior to the Effective Date. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any state or local appeal process. This application is available for inspection at the Town Office. This poster must be displayed on the property in full public view for 15 days.

APPEALS TO DRB: A notice of appeal, including the \$150 fee, must be filed with the East Montpelier Town Clerk or Zoning Administrator at the Town Office by the listed Effective Date.

WARNING: State permits may be required for this project. Contact the state Permit Specialist, at (802) 505-5367, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

May 10, 2016

Robert Onne
Jeanne Malachowski
2720 Towne Hill Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #16-005

Dear Mr. Onne & Ms. Malachowski:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback waiver request contained in your zoning application #16-005 as presented. You have the right to appeal the decision of the Development Review Board. 10 V.S.A. §8504, 24 V.S.A. §4471 and V.R.E.C.P. 5 provide guidance on appeals to the Environmental Division of the Vermont Superior Court, but should you wish to appeal you should seek the advice of an attorney to determine your rights and duties in this particular situation. Generally any appeal must be filed with the Environmental Division within 30 days of the issuance of the decision.

Based on the above-referenced DRB approval I have issued East Montpelier Zoning Permit #16-005 for the construction of a 20' x 24' two-bay shed as depicted in application #16-005.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Robert Onne & Jeanne Malachowski
 2720 Towne Hill Road
 Parcel # 05-022.100 Tax Map # 11-00-17.000

East Montpelier Zoning Application #16-005

INTRODUCTION & PROCEDURAL HISTORY

1. On March 21, 2016, Robert Onne & Jeanne Malachowski filed an application with the Town of East Montpelier to construct a 24' x 20' two-bay shed on their residential property located at 2720 Towne Hill Road. The chosen location for the structure is 35 feet from the property's south side border.
2. The property in question lies in the Rural Residential/Agricultural District – Zone D, where the minimum side setback is 50 feet. Due to the desire to place the structure closer to the side property line than normally allowed, applicants are requesting an East Montpelier Land Use & Development Regulations Section 3.14 setback waiver from the Development Review Board.
3. A public notice was duly published in the Times Argus on April 18, 2016 for a hearing, which was conducted on May 3, 2016.
4. Applicants Robert Onne & Jeanne Malachowski and Zoning Administrator Bruce Johnson appeared and participated in the May 3, 2016 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the May 3, 2016 hearing were Curtis, Cueto, Lane, Kappel, Welch, Santor, Hill, Greenwald and Watson.

FINDINGS OF FACT

1. Applicants proposed to construct a 20' x 24' two-bay shed on their single-family residential property located at 2720 Towne Hill Road. The structure will have a stone foundation.
2. The property is located in Zone D – the rural residential & agricultural district, where the side setback is 50 feet. Applicants proposed to locate the structure 35 feet from the south side property line, necessitating a 15-foot side setback waiver under the provisions of East Montpelier Land Use & Development Regulations Section 3.14.
3. Applicants' lot is topographically challenging, with the house and improvements constructed on a knoll with significant drop-offs to the east and west.

4. Properties in Zone D have mandated setbacks of 50 feet from side property lines. The proposed structure is located 35 feet from the south side border. The location was selected to fit with the existing driveway and parking area, to be on the same level with the existing garage attached to the house, and to avoid the drilled well just to the east of the parking area.

CONCLUSIONS

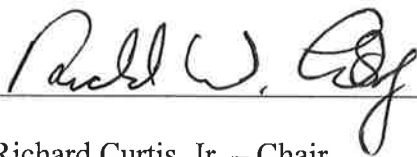
The standards for the issuance of a setback waiver are set forth in Section 3.14 of the East Montpelier Land Use & Development Regulations. It is found that the requested 15' setback waiver is necessary due to topographical limitations to allow for a reasonable development of the Onne/Malachowski lot. It is further found that the requested waiver is in conformance with the Town Plan and the goals of 24 V.S.A. §4302, will not affect the overall character of the neighborhood, and does not exceed one-third of the required side setback.

DECISION

By unanimous vote, the DRB approves a 15-foot Section 3.14 setback waiver to allow the construction of a 20' x 24' two-bay shed as presented in Zoning Application #16-005.

Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 505-5367 to speak to the state Permit Specialist before beginning any construction.

Dated this 10th day of May, 2016.



Richard Curtis, Jr. – Chair
East Montpelier Development Review Board

Notice: The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division of the Vermont Superior Court and by mailing a copy to the East Montpelier Zoning Administrator, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Permit # 16-005

ZONING PERMIT APPLICATION

Date Received: 3/21/15

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 175-022.100

Overlays -

PO Box 157, East Montpelier, VT 05651

Tax Map # 11-00-17-000

- A. 1. Name of Landowner Robert G. Onne & Jeanne Malachowski Phone No. (802) 229-0274
 2. Address of Landowner 2720 Towne Hill Road, East Montpelier, VT 05651
 3. Applicant (other than owner)..... Phone No.....
 4. Address of Applicant.....
 5. Location of Property 2720 Towne Hill Road, East Montpelier, VT 05651

B: Application is made (check appropriate boxes):

- | | | |
|---|---|--|
| To: | For: | For: |
| <input checked="" type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Alter | <input checked="" type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business | <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial | <input type="checkbox"/> Landfilling |
| <input type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed To construct a 2 bay floating shed, 24' X 20' footprint

C. Lot description:

- | | |
|--|--|
| 1. acreage <u>10.28</u> | 4. depth side yards <u>35</u> Ft. <u>300+</u> Ft.
(building to lot lines) |
| 2. road frontage <u>531</u> Ft. | |
| 3. depth front yard <u>500+</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>400+</u> Ft.
(building to lot line) |

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided and penalties imposed, if the land development is not completed as described. The permit will be voided if development is not substantially commenced within one year from date of issue. The undersigned hereby applies on the basis of the representations contained herein, and to the best of his/her knowledge believes them to be true. The undersigned acknowledges the Section D notices on page 2 of this application.

Landowner [Signature] Date 3/21/16
Applicant [Signature] Date 3/21/16

Zoning Permit Fee: \$ 50⁰⁰ Cash _____ Check 1042 Date 3/21/16 Rec'd by TC
DRB Hearing Fee: \$ 150⁰⁰ Cash _____ Check 1042 Date 3/21/16 Rec'd by TC

Make checks payable to the "Town of East Montpelier"

D. Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 476-0195 to speak to the state Permit Specialist before beginning any construction.

Notice: Your project may be subject to the state's residential or commercial energy code. For more information contact the Energy Code Assistance Center at 855-887-0673 or see the following web pages:
Residential Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/rbes
Commercial Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/cbes


E. Action by Zoning Administrator:

1. Granted Denied Date Reason.....
.....
2. Appealed to Development Review Board By
Date

Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 16-005 Date Issued 05/10/16 Effective Date 05/25/16

DO NOT start this project prior to the effective date, as the statutes require a 15-day appeal period. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any appeal process.


.....
Zoning Administrator

F. Action by Development Review Board:

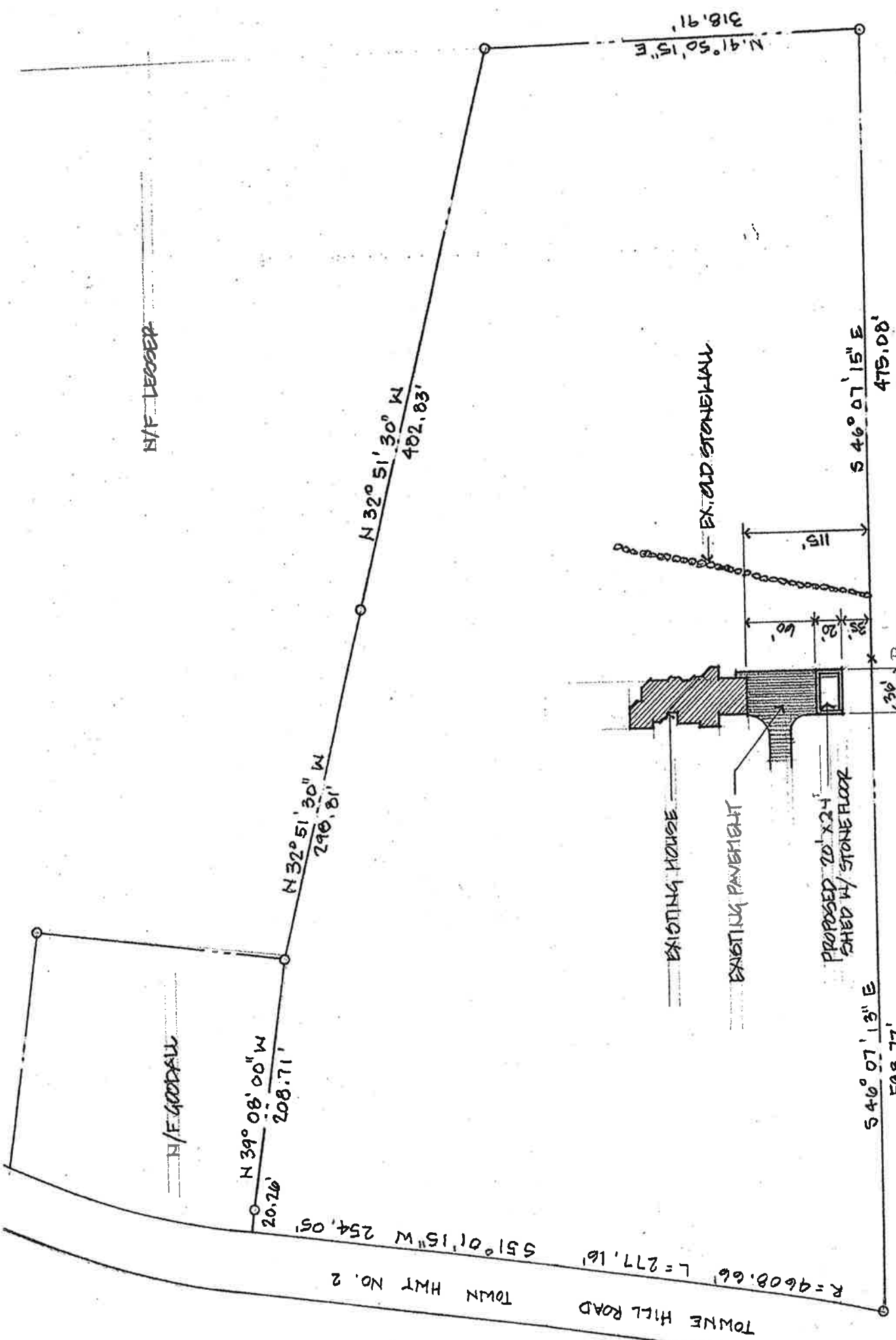
1. Public Notice Date 4.18.16.....
2. Date(s) of Hearing 5.3.16.....
3. Granted Without conditions With conditions (See written decision for conditions)
4. Denied (See written decision for reasoning)


.....
Chairman, Development Review Board

The DRB's written decision was issued on: 05/10/2016.....

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N/F LESSER

N/F GOODALL

N/F HAWKINS

TOWNE HILL ROAD
 R = 4608.66 L = 277.16'
 TOWN HWT NO. 2

N 39° 08' 00" W
 208.71'

20.76'

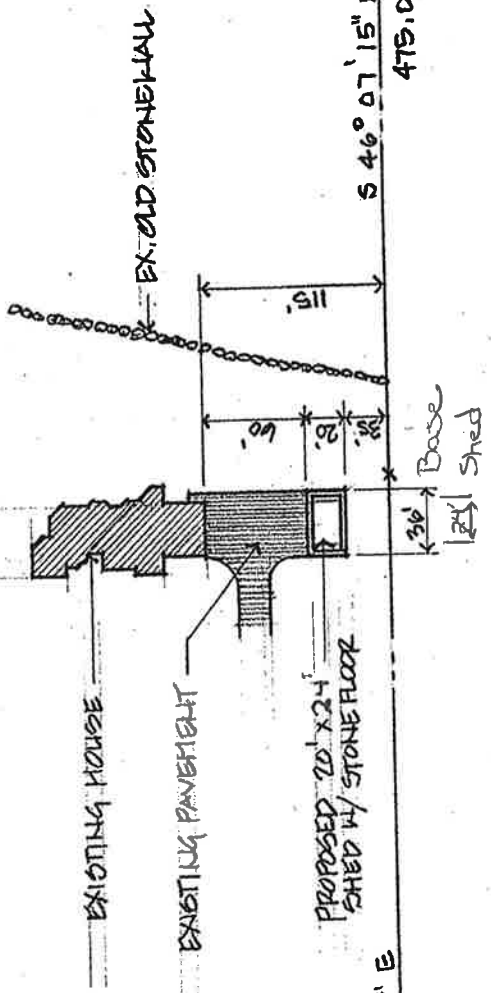
N 32° 51' 30" W
 296.81'

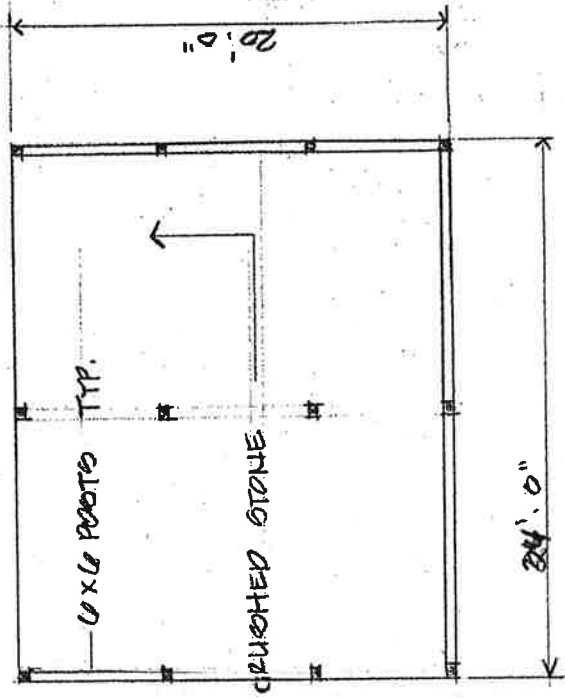
N 32° 51' 30" W
 402.83'

N 4° 50' 15" E
 318.91'

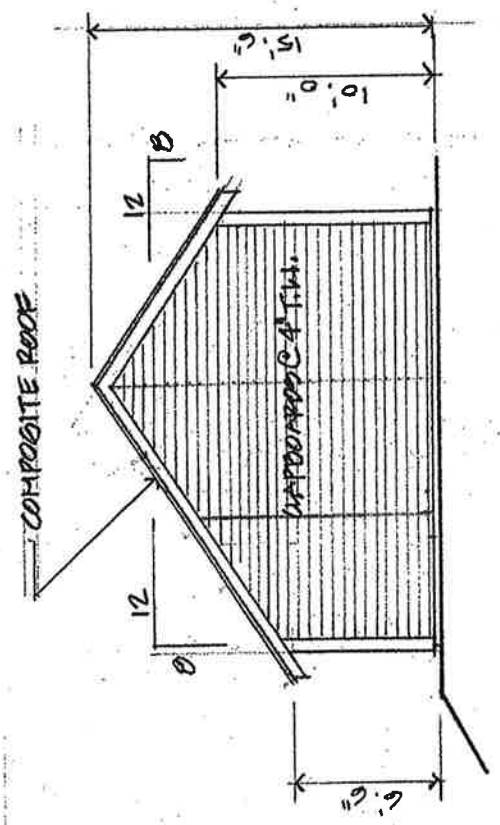
S 46° 07' 15" E
 475.08'

S 46° 07' 15" E
 598.77'

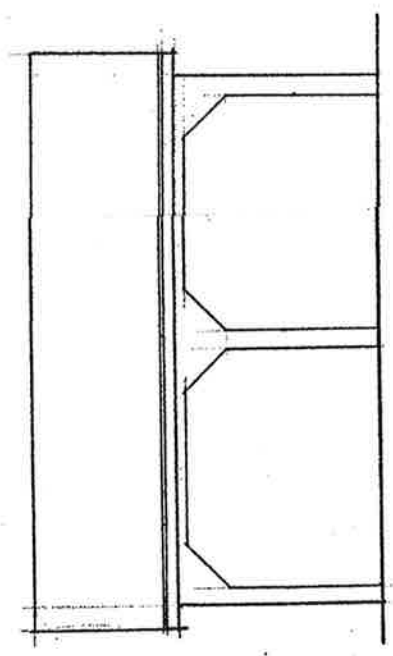




FLOOR PLAN 1/8" = 1' 0"



SOUTH EAST ELEV. 1/8" = 1' 0"
NORTH WEST SH.



FRONT ELEV. (NORTHEAST) 1/8" = 1' 0"

SCALE: 1" = 100'



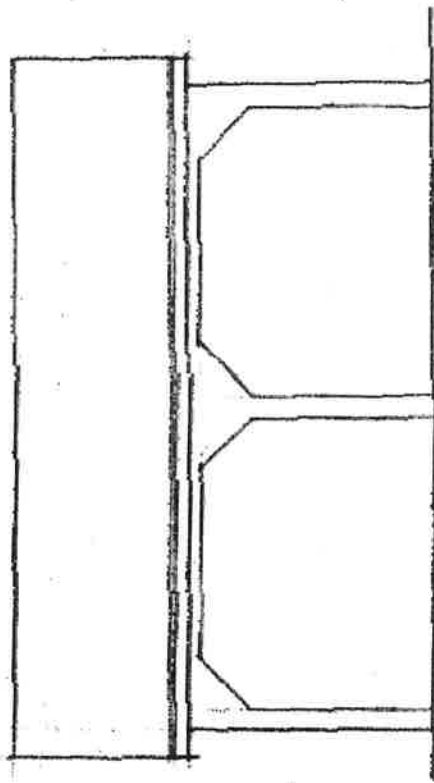
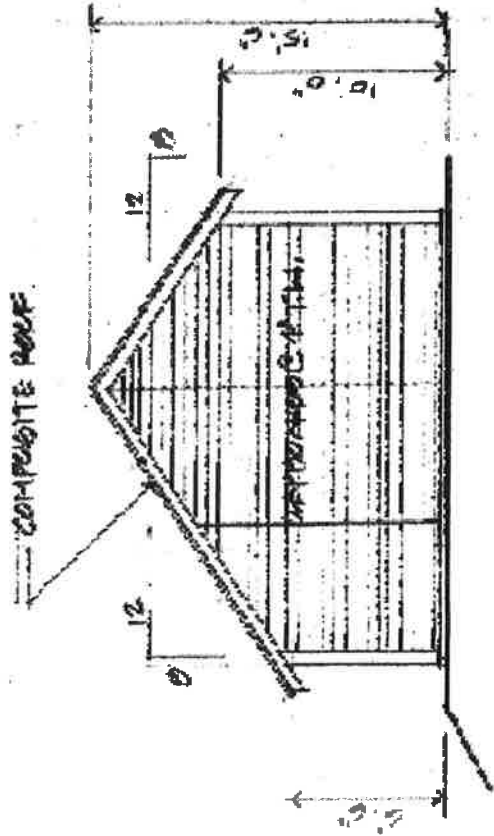
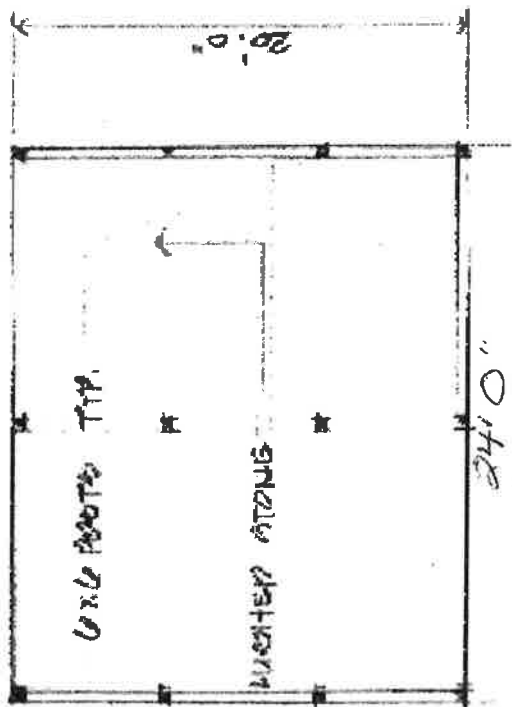
SURVEY INFO:

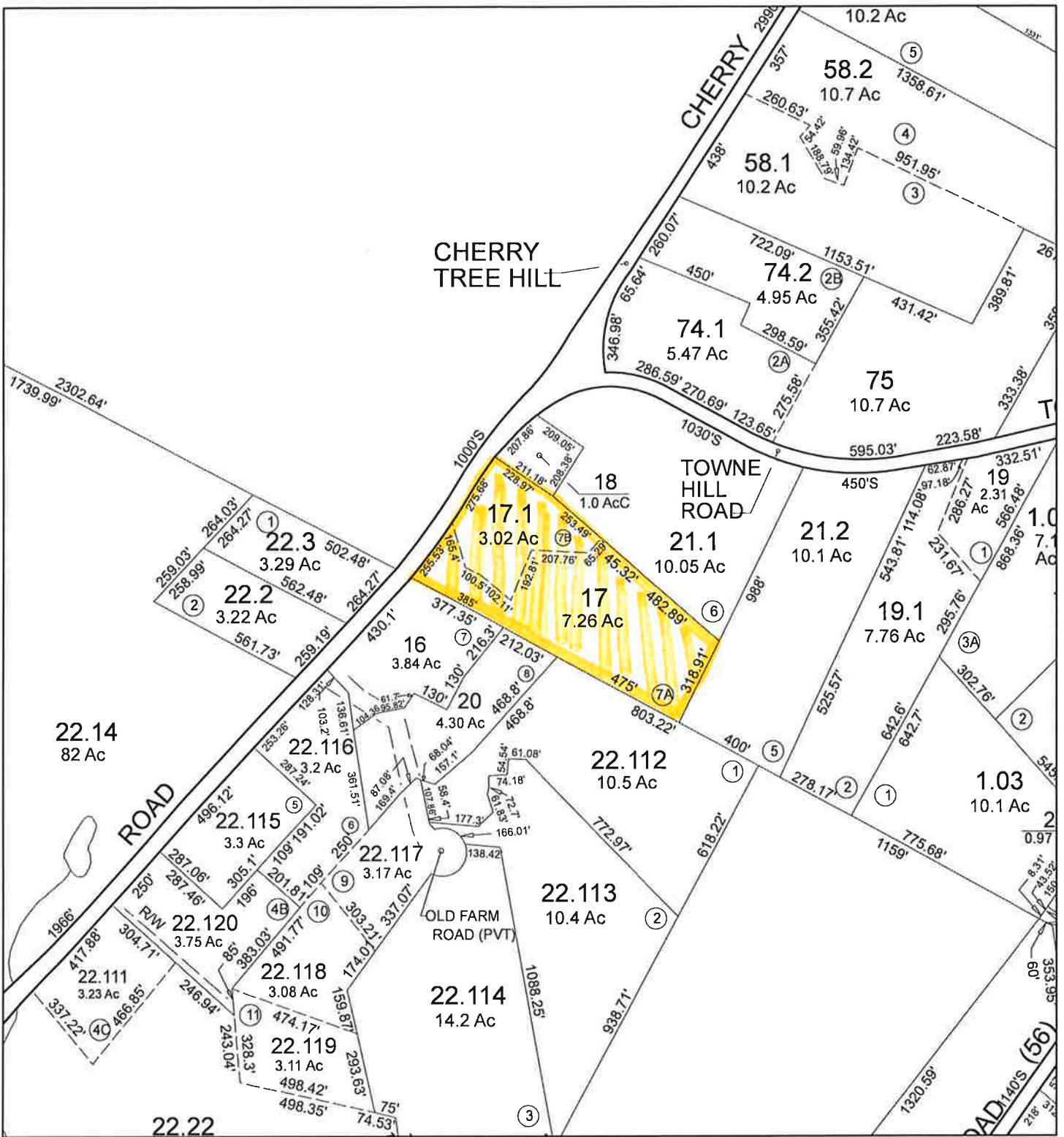
FROM PLAN BY:
PAUL C. HARRINGTON APRIL 1992
SUBMISSION FOR
JAN & GLENDA OTTO

PROPOSED SHED PLAN FOR:

BOB ONIE & JEANA MALACHOWSKI
2720 TORJIE HILL ROAD
EAST MONTPELIER, VT 05601

DRAWN BY:
DAVID BLOSSER
259 CAMP ST.
BAREE, VT 05641 802.271.6742





**Onne -- 2720 Towne Hill Road
East Montpelier**



4/14/2016

