

# Town of East Montpelier

# ZONING PERMIT

# NOTICE

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

Date Issued: June 9, 2016

Effective Date: June 24, 2016

Location: 2295 Brazier Road

Owner: Steven & Maria Stoufer

For: 15'6" x 8' Deck

11'6" x 22'5" Gable Extension

Application # 16-023

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

June 9, 2016

Steven & Maria Stoufer  
2295 Brazier Road  
Montpelier, VT 05602

Re: East Montpelier Zoning Application #16-023

Dear Mr. & Ms. Stoufer:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback variance request as presented in your zoning application #16-023. 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 #16-023 for the construction of a 15'6" x 8' deck and 11'6" x 22'5" gable extension 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:        Steven & Maria Stoufer  
                                 2295 Brazier Road  
                                 Parcel # 04-039.000    Tax Map # 08-03-14.100

East Montpelier Zoning Application #16-023

**INTRODUCTION & PROCEDURAL HISTORY**

1. On May 19, 2016, Les Church, as applicant, and Steven Stoufer, on behalf of himself & Maria Stoufer as owners, filed an application with the Town of East Montpelier to construct a 15'9" x 10' deck and a 22'5" x 11'6" gable extension to the Stoufer residence located at 2295 Brazier Road. The deck dimensions were altered to 15'6" x 8' on May 23, 2016.
2. The property in question lies in the Rural Residential/Agricultural District – Zone D, where the minimum front setback is 75 feet from centerline and the side setback is 50 feet. The existing house, one of the original East Montpelier Center structures, is almost entirely located within both the front setback from Center Road and the side setback from The Old Meeting House property. As such the applicants are requesting an East Montpelier Land Use & Development Regulations Section 7.6 setback variance from the Development Review Board.
3. A public notice was duly published in the Times Argus on May 23, 2016 for a hearing, which was conducted on June 6, 2016 at 7:00 p.m. The DRB conducted a public site visit at the subject property on June 6, 2016 at 6:30 p.m.
4. Applicants Steven Stoufer & Les Church and Zoning Administrator Bruce Johnson appeared and participated in the June 6, 2016 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the June 6, 2016 hearing were Curtis, Cueto, Lane, Kappel, Santor, Hill, and Greenwald.

**FINDINGS OF FACT**

1. Steven and Maria Stoufer reside at 2295 Brazier Road in a house that likely dates back to the early 19<sup>th</sup> century. Applicants propose to add a 15'6" x 8' deck on the rear of the structure and construct a 22'5" x 11'6" gable extension on the east side of the structure's front end.

2. The property is located in Zone D – the rural residential & agricultural district, where the front setback is 75 feet from centerline and the side setback is 50 feet. The existing structure is located on a lot at the southwest corner of the Center and Brazier Roads intersection. As such, it has two front setbacks and two side setbacks. The leading edge of the residence is approximately 37 feet from the Center Road centerline. The closest point of the residence to The Old Meeting House property, the parcel to its immediate west, is around 7 feet. The residence is approximately 42' wide and 50' long.
3. The residence is an East Montpelier Land Use & Development Regulations Section 3.10 non-conforming structure due to both side and front setbacks. The proposed elements to be added to the residence will be no closer to the property line with The Old Meeting House or the Center Road centerline than the existing structure. The front gable extension will not add to the existing footprint. The proposed deck will add to the existing footprint. Both will add to the volumetric degree of non-compliance as that term is defined in Section 8.
4. The proposed additions cannot be permitted under East Montpelier Land Use & Development Regulations Section 3.10 due to the increased degree of non-compliance. Further, the additions cannot be permitted under the Section 3.14 setback waiver provision as both additions require more than a one-third decrease in the mandated setbacks.

## CONCLUSIONS

The standards for the issuance of a setback variance are set forth in Section 7.6 of the East Montpelier Land Use & Development Regulations. A variance from the zoning regulations can only be granted if the DRB determines that the proposal meets the five criteria set forth in state law (24 V.S.A. §4469(a)).

The DRB's conclusions with respect to each criterion follow:

Criterion 1: *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.*

This criterion is met because the house pre-dates zoning, is in a good location on the lot, and the additions fall within the existing setbacks. (Vote: unanimous)

Criterion 2: *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these*

*regulations, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

This criterion is met because the structure pre-dates zoning. (Vote: unanimous)

Criterion 3: *The unnecessary hardship has not been created by the appellant.*

This criterion is met because the 19<sup>th</sup> century structure was not constructed by the appellant. (Vote: unanimous)

Criterion 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, or be detrimental to the public welfare.*

This criterion is met because the design is respectful of the environment and the neighborhood, will not reduce access to renewable energy resources, and will not be detrimental to the public welfare. (Vote: unanimous)

Criterion 5: *The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.*

This criterion is met because the proposal will not decrease the existing setback and the variance is the least deviation possible from these regulations that will afford relief. (Vote: unanimous)

## DECISION

By unanimous vote, the DRB approves a Section 7.6 setback variance to allow the construction of a 15'6" x 8' deck and a 11'6" x 22'5" gable extension as presented in Zoning Application #16-023.

**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 9<sup>th</sup> day of June, 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 # 16-023  
Zoning District D  
Overlays -

**ZONING PERMIT APPLICATION**  
**TOWN OF EAST MONTPELIER**  
PO Box 157, East Montpelier, VT 05651

Date Received: 5/19/16  
Parcel # 04-039.000  
Tax Map # 08-03-14.100

\*\*\*\*\*

- A. 1. Name of Landowner Steve & Maria Stouffer Phone No. 802-223-5841  
 2. Address of Landowner 2295 Brazier Rd Montpelier 05602  
 3. Applicant (other than owner) Les Church Phone No. 249-1030  
 4. Address of Applicant 33 Sawmill Road Marshfield  
 5. Location of Property 2295 Brazier 05658

**B: Application is made (check appropriate boxes):**

- |   |  |  |
|---|--|--|
| To:                                       | For:   | For:   |
| <input type="checkbox"/> Construct        | <input checked="" 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 checked="" type="checkbox"/> Alter | <input 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 NEW KITCHEN, OFFICE, & MUD ROOM ON  
EXISTING FOOTPRINT. ALTER ROOF LINE OVER EXISTING  
MUD ROOM - NEW ROOF, NEW SIDING, NEW WINDOWS.  
PERMIT - EXTEND EXISTING 6 GABLE END OVER EXISTING  
SIDE PORCH & add 15'6" x 8' deck

- C. Lot description:
- |  |   |
|--|---|
| 1. acreage <u>4.7</u>  | 4. depth side yards <u>7</u> Ft. <u>20</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>115</u> Ft.                                      |   |
| 3. depth front yard <u>37.5</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>1200</u> Ft.<br>(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 5/19/16  
Applicant [Signature] Date 5-19-2016

\*\*\*\*\*  
Zoning Permit Fee: \$ 3185.20 <sup>#185</sup> Cash 1153 Check 1153 Date 5/19/16 Rec'd by D.B.  
DRB Hearing Fee: \$ 1500 Cash 1500 Check 1500 Date 5/19/16 Rec'd by D.B.

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) 505-5367 to speak to Peter Kopsco, our region's 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/energy\\_efficiency/rbes](http://publicservice.vermont.gov/energy_efficiency/rbes)  
Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/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 # 16-023 Date Issued 06/09/16 Effective Date 06/29/16

**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.**

4. Permittee is required to submit a Certificate of Compliance form to the Zoning Administrator in accordance with East Montpelier Land Use & Development Regulations Section 7.4:

Yes (form included with permit)     No

  
Zoning Administrator

**F. Action by Development Review Board:**

1. Public Notice Date 5.23.16

2. Date(s) of Hearing 6.7.16

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: June 9, 2016

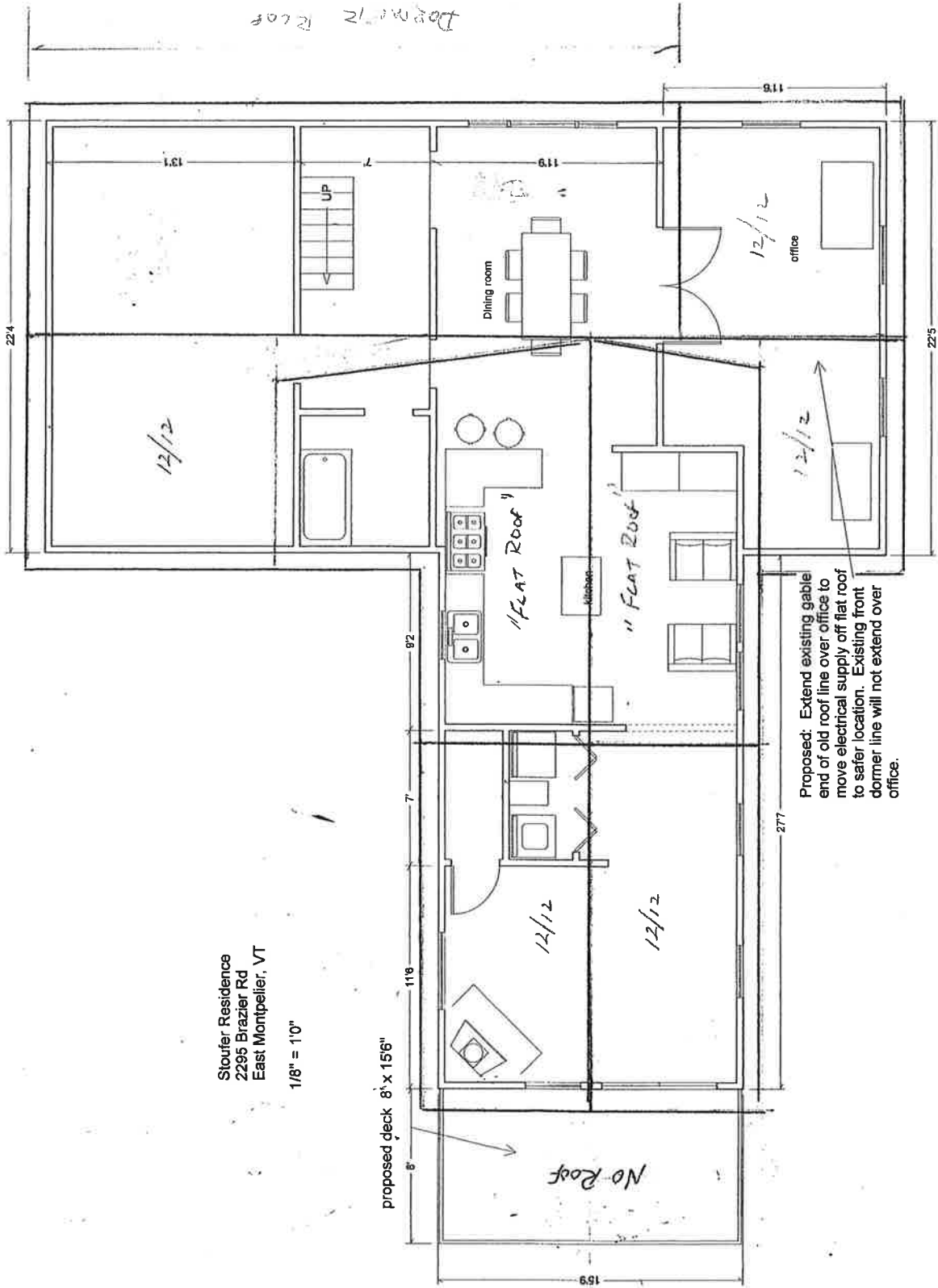
The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

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Stouffer Residences  
2295 Brazier Rd  
East Montpelier, VT

1/8" = 1'0"



12/12  
12/12

Dining room

12/12  
office

"FLAT ROOF"

"FLAT ROOF"

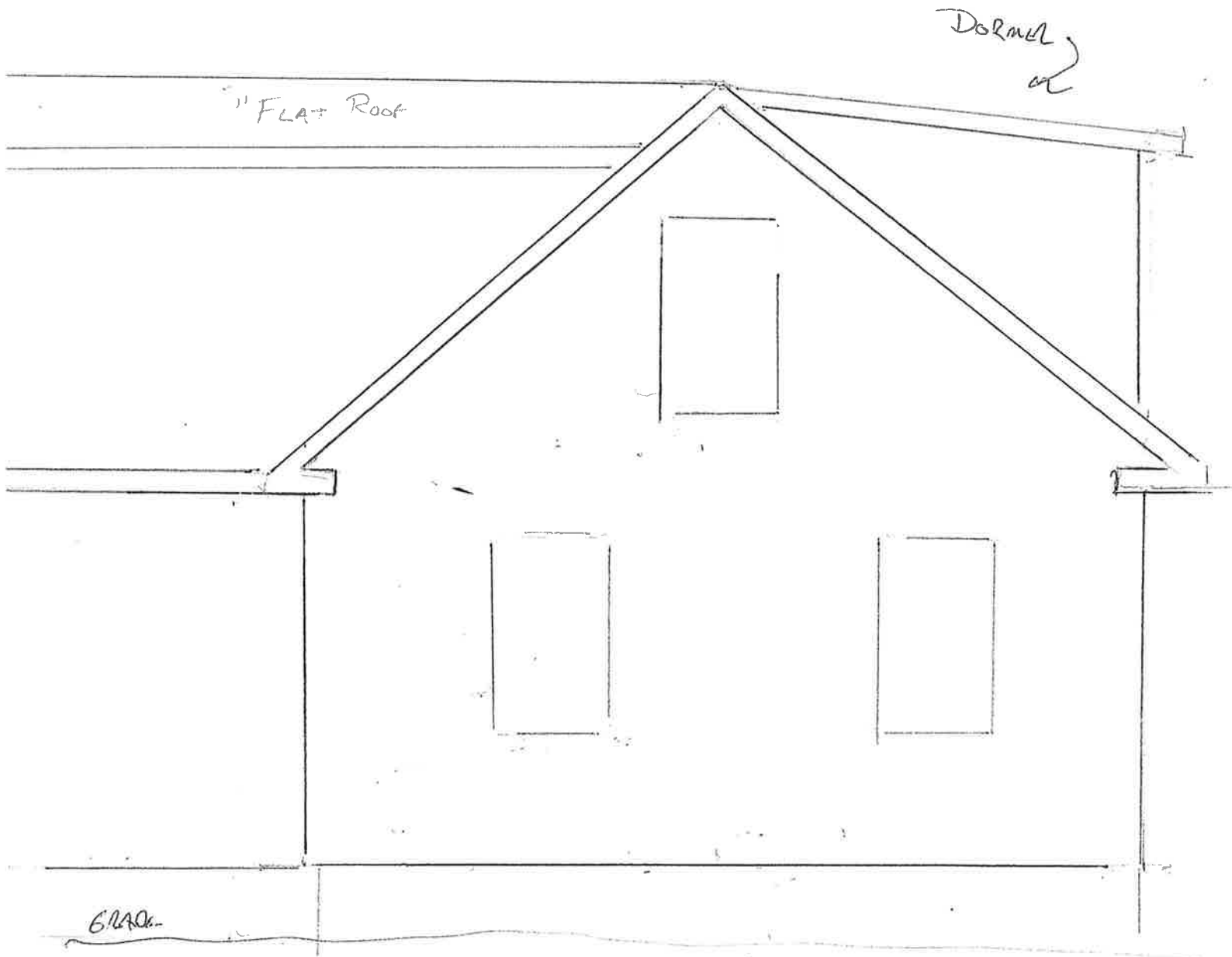
12/12

proposed deck 8' x 156'

No Roof

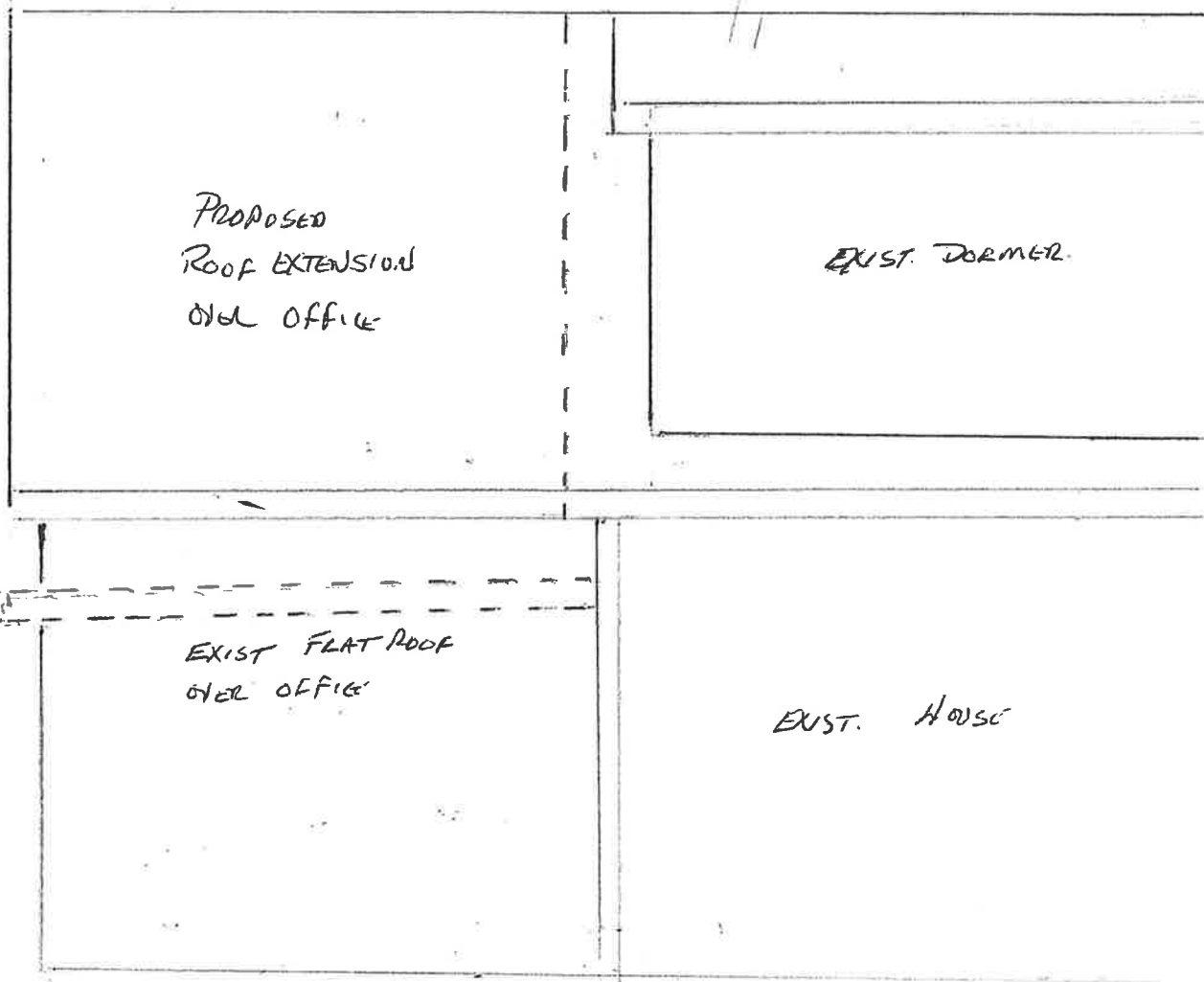
Proposed: Extend existing gable end of old roof line over office to move electrical supply off flat roof to safer location. Existing front dormer line will not extend over office.

STOSSEN RESIDENCE  
2295 BRAZIER Rd  
EAST MONT PELIER, UT  
FACING BRAZIER Rd

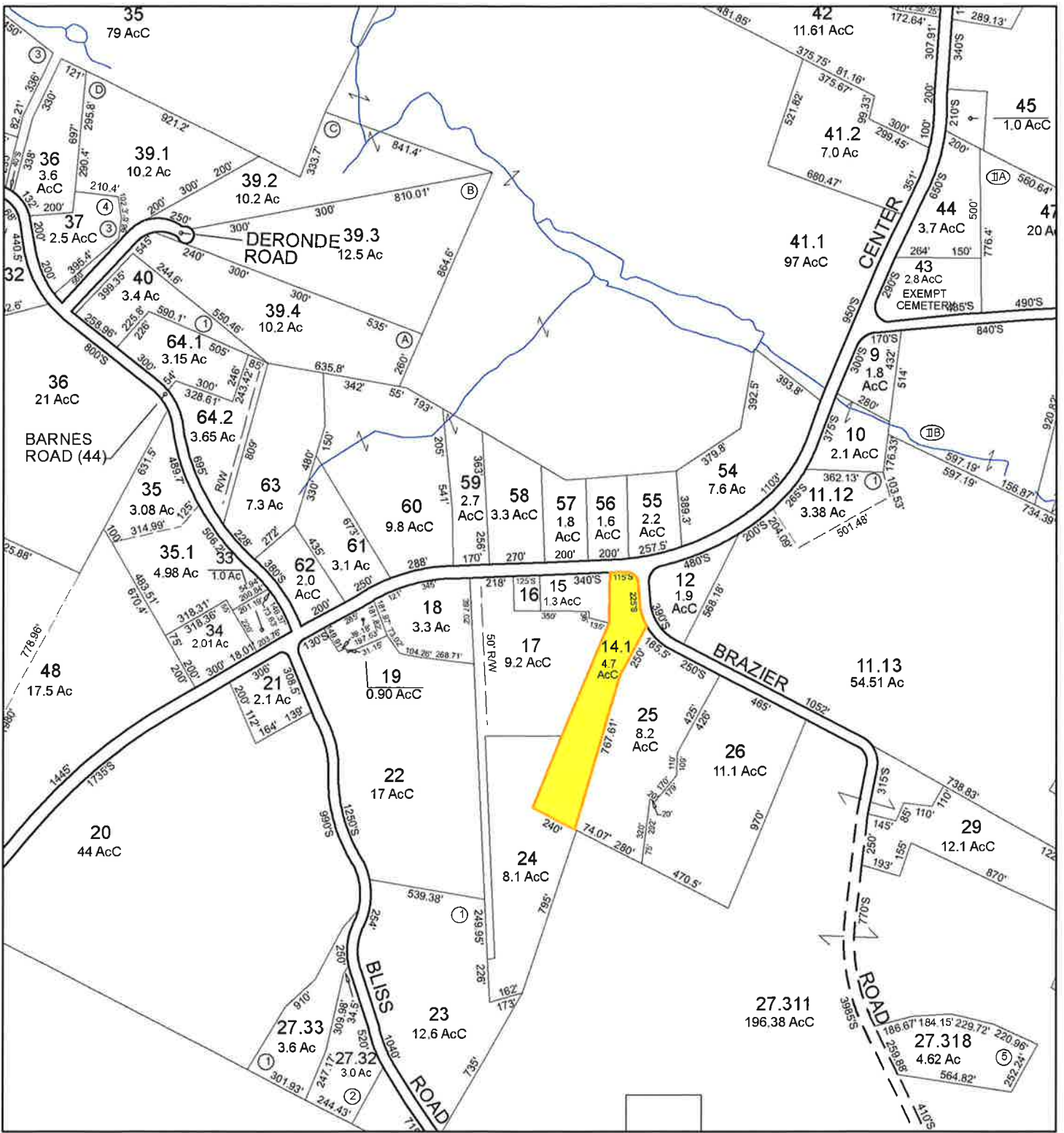


STOUTER RESIDENCE  
2295 BRAZIER RD  
EAST MONTPELIER, VT  
FACING CENTER RD

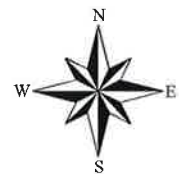
EXIST. GABLE END



GRADE



**Stoufer -- 2295 Brazier Road  
East Montpelier**



5/18/2016