

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 30, 2017

Effective Date: July 15, 2017

Location: 930 Brazier Road

Owner: Brooke MacDonald & Andrew Morse

For: 12' x 20' Woodshed

Application # 17-030

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 30, 2017

Brooke MacDonald & Andrew Morse
930 Brazier Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #17-030

Dear Ms. MacDonald & Mr. Morse:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback variance request as presented in your zoning application #17-030 subject to the following conditions:

- **The structure shall only be used for wood storage; and,**
- **The structure will have no sides.**

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 #17-030 for after-the-fact permission to construct a 12' x 20' woodshed as depicted in application #17-030.

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: Brooke MacDonald & Andrew Morse
 930 Brazier Road
 Parcel # 05-097.000 Tax Map # 08-03-60.000

East Montpelier Zoning Application #17-030

INTRODUCTION & PROCEDURAL HISTORY

1. On June 15, 2017, Brooke MacDonald and Andrew Morse filed an application with the Town of East Montpelier for an after-the-fact approval of a 20' x 12' woodshed constructed on their property located at 930 Brazier Road.
2. The property in question lies in the Rural Residential/Agricultural District – Zone D, where the minimum front setback is 75 feet from Brazier Road centerline and the side/rear setback is 50 feet. The woodshed has been constructed well inside the front setback and 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 June 17, 2017 for a hearing, which was conducted on June 27, 2017.
4. The DRB conducted a site visit to the property on June 27, 2017 prior to the public hearing.
5. Owner Andrew Morse, abutting neighbor Doug Kievet-Kylar, and Zoning Administrator Bruce Johnson appeared and participated in the June 27, 2017 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the June 27, 2017 hearing were Curtis, Kappel, Welch, Santor, Greenwald, Hill, Watson, Lane, and Cueto.

FINDINGS OF FACT

1. Brooke MacDonald, Andrew Morse, and family reside at 930 Brazier Road in a house that likely dates back to the early 19th century. Applicants are requesting an after-the-fact approval for the construction of a woodshed with a useable wood storage footprint of 16' x 8' and a 12' x 20' gross footprint including roof coverage.
2. The property is located in Zone D – the rural residential & agricultural district, where the front setback is 75 feet from the Brazier Road centerline. The newly-constructed woodshed is located roadside of and just to the south of the house on a flat area slightly above the roadbed. The leading edge of the woodshed is approximately 27 feet from the Brazier Road centerline.
3. The existing residential structure is one of the oldest buildings in the town. The connected garage is located roadside of the main house and is approximately 75 feet from the Brazier Road centerline. There are long-established gardens and a small lawn area to the south of the house. The property has water issues on a line right behind the house to the east. North of the house is heavily wooded. Brazier Road and the woodshed are located to the west of the house.
4. The house is heated solely with wood. The wood is brought in through a west-side entrance to the house.
5. The woodshed as constructed has open sides and faces north towards the driveway. The proposed roofing, not yet installed, will pitch north to south, not towards Brazier Road.
6. The woodshed cannot be permitted under the Section 3.14 setback waiver provision as its location requires more than a one-third decrease in the mandated front setback.

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 property is limited enough to meet the requirement of unique physical circumstances or conditions. (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. (Vote: 8-1)

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

This criterion is met because the need for the variance was not created by the applicants. (Vote: 8-1)

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 structure fits in with the character of the neighborhood. (Vote: 7-2)

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 requested variance represents the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan. (Vote: 7-2)

DECISION

By a vote of 7-2, the DRB approves a Section 7.6 setback variance to allow the construction of a 12' x 20' woodshed as presented in Zoning Permit #17-030 subject to the following conditions:

- **The structure shall only be used for wood storage; and,**
- **The structure will have no sides.**

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 30th day of June, 2017.

A handwritten signature in blue ink, appearing to read "Richard Curtis, Jr.", is written over a horizontal line.

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 # 17-030
Zoning District D
Overlays -

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

Date Received: 6/15/2017
Parcel # 05-097.000
Tax Map # 08-03-60.000

- A. 1. Name of Landowner: Brooke MacDonald & Andrew Morse Phone No. (307) 690-9137
 2. Address of Landowner: 930 Brazier Road East Montpelier VT 05651
 3. Applicant (other than owner)..... Phone No.....
 4. Address of Applicant.....
 5. Location of Property.....

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.....
Construct woodshed:
Roof coverage 12' x 20'
Storage space 8' x 16'

C. Lot description:

- | | |
|--|--|
| 1. acreage <u>3.2 ac</u> | 4. depth side yards <u>225</u> Ft. <u>110</u> Ft.
(building to lot lines) |
| 2. road frontage <u>360</u> Ft. | |
| 3. depth front yard <u>27</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>340</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 6/15/17
Applicant Date

Zoning Permit Fee: \$ 50 Cash _____ Check 1520 Date 6/15/17 Rec'd by [Signature]
DRB Hearing Fee: \$ 150 Cash _____ Check 1520 Date 6/15/17 Rec'd by [Signature]

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
Commercial Building Energy Standards: 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 # 17-030 Date Issued 06/30/17 Effective Date 07/15/17

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 6.17.17

2. Date(s) of Hearing 6.27.17

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 30, 2017

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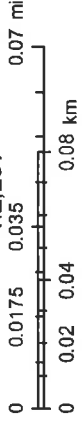
930 Brazier Road



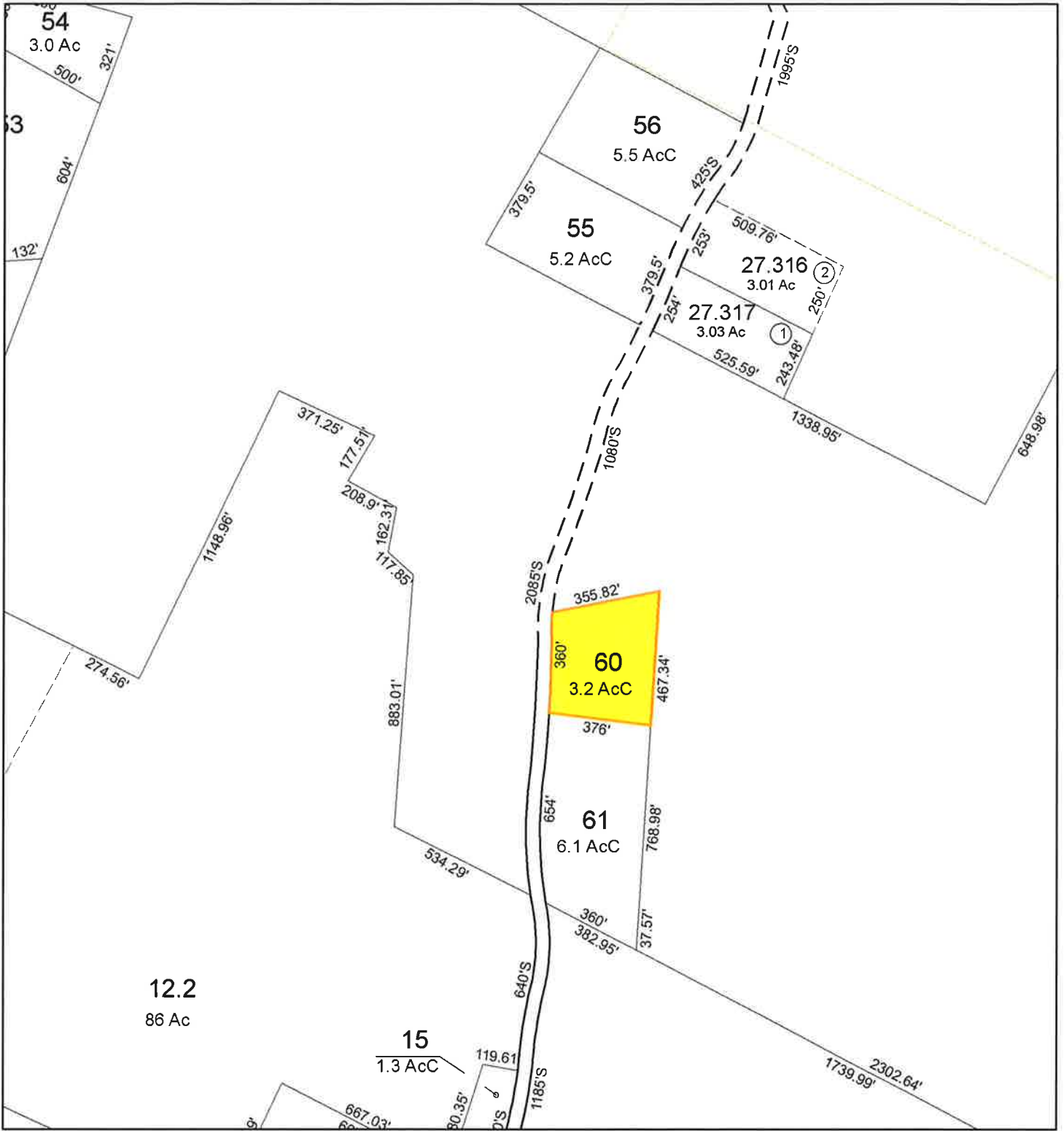
June 15, 2017

- Contours 20 Foot
- East Montpelier Parcels 2017
- Map_Annotation
- Annotation_Line

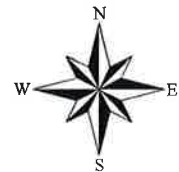
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Sources: Esri, HERE, DeLorme, Intermap, increment P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,



**MacDonald -- 930 Brazier Road
East Montpelier**



6/15/2017