

# Town of East Montpelier

# ZONING PERMIT

# NOTICE

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

Date Issued: November 9, 2017

Effective Date: November 24, 2017

Location: 390 Quaker Hill

Owner: William & Tammy Atkins

For: 24' x 24' New Garage; Change  
of Use to Living Space in Existing Garage

Application # 17-046

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

November 9, 2017

William & Tammy Atkins  
390 Quaker Road  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #17-046

Dear Mr. & Ms. Atkins:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback waiver request contained in your zoning application #17-046 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 #17-046 for the construction of a 24' x 24' garage and the change of use to living space of the existing garage as depicted in application #17-046.

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:        William & Tammy Atkins  
                                 390 Quaker Road  
                                 Parcel # 06-021.000    Tax Map # 21-52-25.000

East Montpelier Zoning Application #17-046

**INTRODUCTION & PROCEDURAL HISTORY**

1. On October 25, 2017, William & Tammy Atkins filed an application with the Town of East Montpelier to construct a 24' x 24' two-bay detached garage and change the use of the existing attached garage to living space at their residential property located at 390 Quaker Road. The chosen location for the new structure is 17 feet from the property's west side border.
2. The property in question lies in the Residential & Commercial District – Zone C, where the minimum side setback is 25 feet. Due to the desire to place the structure closer to the west 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 October 31, 2017 for a hearing, which was conducted on November 7, 2017.
4. Applicants William & Tammy Atkins and Zoning Administrator Bruce Johnson appeared and participated in the November 7, 2017 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the May 3, 2016 hearing were Dworkin, Cueto, Lane, Kappel, Welch, Hill, and Watson.

**FINDINGS OF FACT**

1. Applicants proposed to construct a 24' x 24' two-bay detached garage on their single-family residential property located at 390 Quaker Road. The existing attached garage is to be converted to additional living space for the use of Mr. Atkins' 83-year-old mother, who will be moving in with the family and needs compact, single-floor living arrangements.
2. The property is located in Zone C – the residential & commercial district, where the side setback is 25 feet. Applicants proposed to locate the structure 17 feet from the west side property line, necessitating an 8-foot side setback waiver under the provisions of East Montpelier Land Use & Development Regulations Section 3.14.
3. Applicants' lot has water issues on the east and north (back) sides, limiting the available siting options for the proposed garage to the west, front side of the parcel.

4. Properties in Zone C have mandated setbacks of 25 feet from side/rear property lines and 50 feet from road centerline. The proposed structure is located 17 feet from the west side border and 65 feet from the Quaker Road centerline, just behind the well-known circular flower bed. The specific location was chosen to flow with the existing house/garage and driveway layout while also allowing a 10' passage slot around the existing garage to the back of the parcel.

## CONCLUSIONS

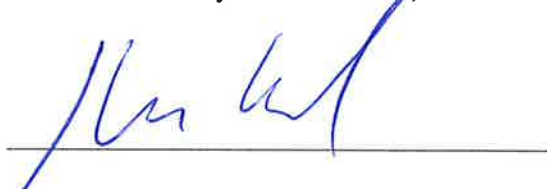
The standards for the issuance of a setback waiver are set forth in Section 3.14 of the East Montpelier Land Use & Development Regulations. It is found that the requested 8' setback waiver is necessary, due to existing parcel limitations, to allow for a reasonable development of the Atkins lot. It is 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 an 8-foot Section 3.14 setback waiver to allow the construction of a 24' x 24' garage as presented in Zoning Application #17-046.

**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 November, 2017.



Steve Kappel – Vice-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 # 17-046

**ZONING PERMIT APPLICATION**

Date Received: 10/25/17

Zoning District C

**TOWN OF EAST MONTPELIER**

Parcel # 06-021.000

Overlays —

PO Box 157, East Montpelier, VT 05651

Tax Map # 21-52-25.000

\*\*\*\*\*

- A. 1. Name of Landowner William and Amy Atkins Phone No. 802-225-6121  
 2. Address of Landowner 390 Quaker Rd 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):**

- |                                                |                                                                                      |                                                        |
|------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------|
| <b>To:</b>                                     | <b>For:</b>                                                                          | <b>For:</b>                                            |
| <input checked="" 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 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 checked="" type="checkbox"/> Change use | <input type="checkbox"/> Industrial                                                  | <input checked="" type="checkbox"/> Other              |

Describe work to be performed change garage into living space and add 1 bathroom  
Requesting 8' foot waiver for west property line to construct 24x24' garage-

**C. Lot description:**

- |                                                                       |                                                                            |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1. acreage <u>0.96</u>                                                | 4. depth side yards <u>17</u> Ft. <u>45</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>165</u> Ft.                                       |                                                                            |
| 3. depth front yard <u>65.00</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>150</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 10/23/17  
 Applicant ..... Date .....

\*\*\*\*\*

Zoning Permit Fee: \$ 225.00 Cash \_\_\_\_\_ Check #2889 Date 10/25/17 Rec'd by DS.  
 DRB Hearing Fee: \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_

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:**

- Granted     Denied    Date ..... Reason.....
- 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.

- Final Action: Permit # 17-046 Date Issued 11/09/17 Effective Date 11/20/17

**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.**

- 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

*[Signature]*  
Zoning Administrator

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

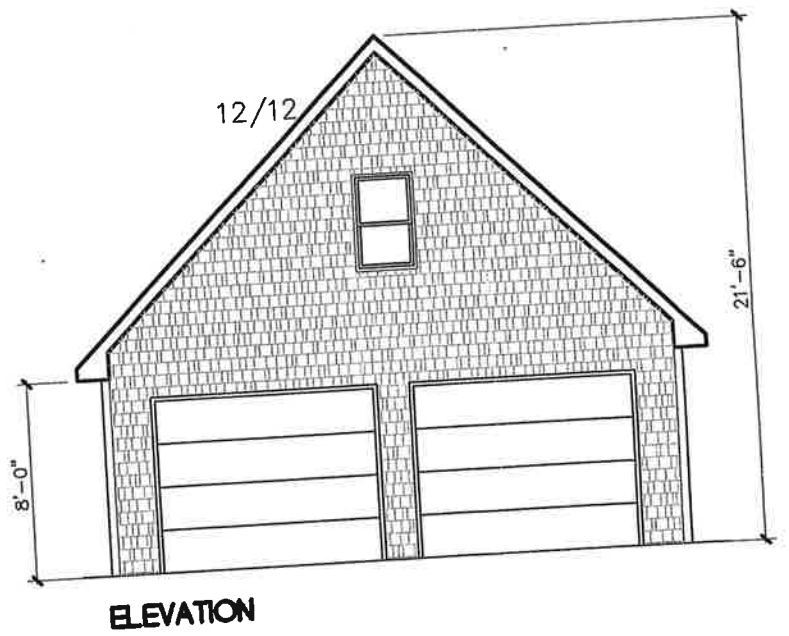
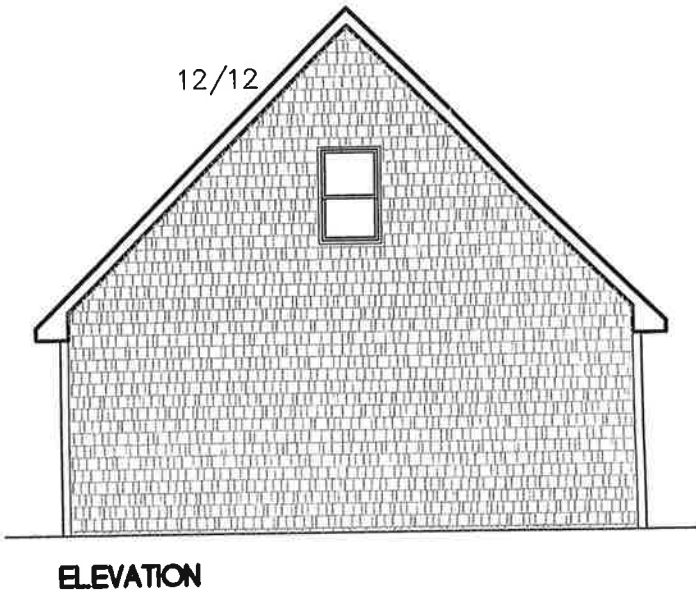
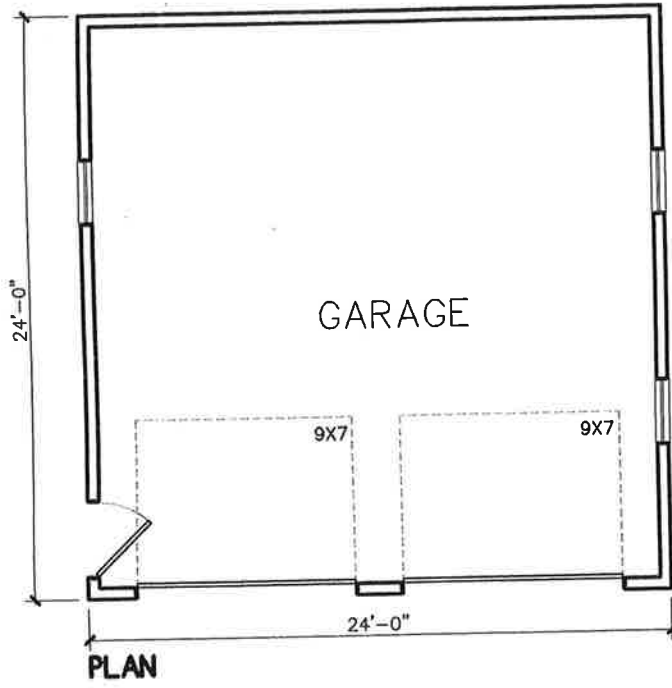
- Public Notice Date 10/31/2017
- Date(s) of Hearing 11/7/2017
- Granted     Without conditions     With conditions (See written decision for conditions)
- Denied (See written decision for reasoning)

*[Signature]*  
Chairman, Development Review Board

The DRB's written decision was issued on: 11/09/2017

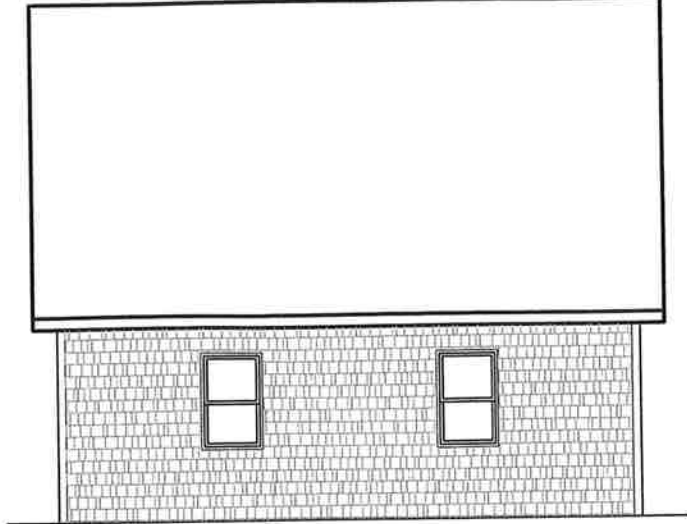
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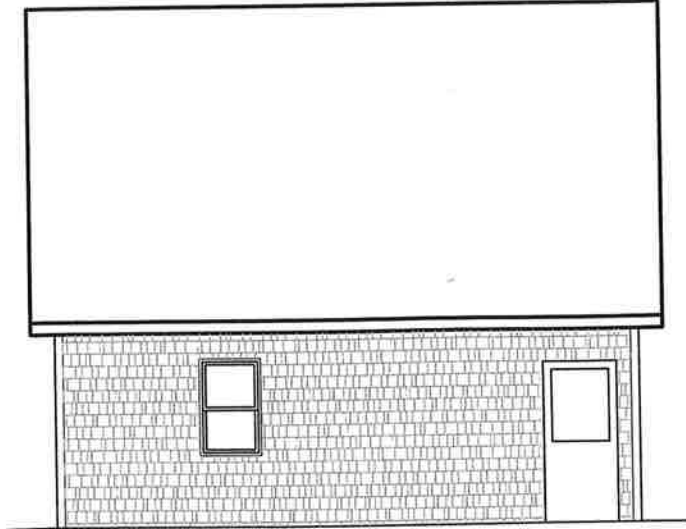
REVISIONS	BY

12/12



ELEVATION

12/12



ELEVATION

PROVIDING QUALITY, SERVICE & VALUE SINCE 1888

Allen Lumber Co

BAKER BUILDERS  
ATKINS GARAGE

DRAWN : JC      CHECKED :

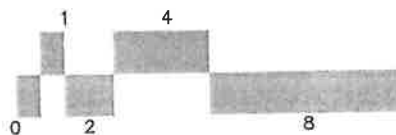
DATE : 10/25/2017

SCALE : 1/8" = 1'-0"

JOB NO. :

SHEET

A-1



10/25/2017 10:35 AM C:\Users\jed\Google Drive\DataCAD\Baker Builders-Atkins Garage.dwg



# Atkins -- 390 Quaker Road



October 26, 2017

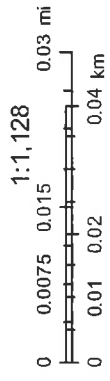
Contours 20 Foot

Map\_Annotation

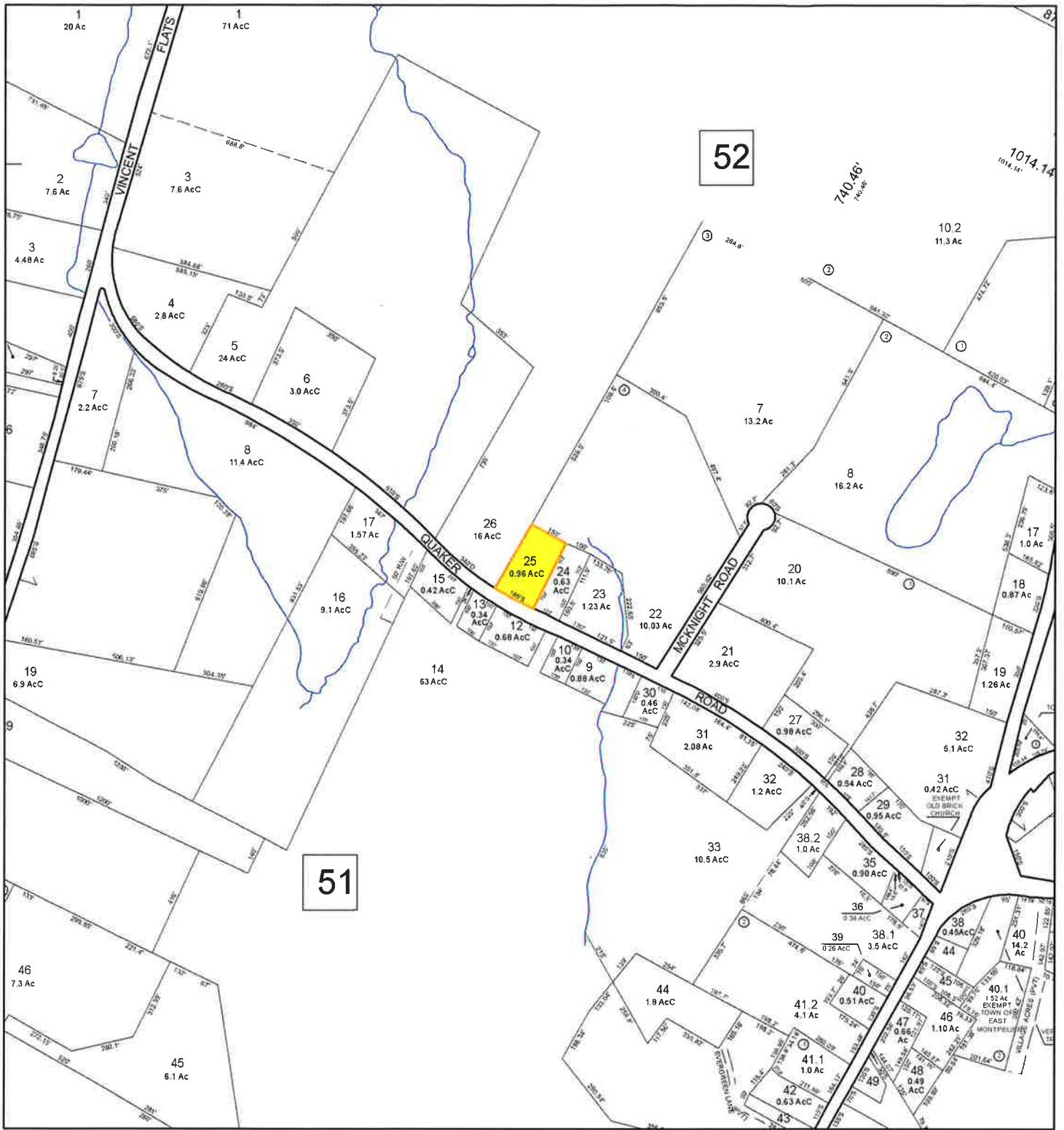
Annotation\_Line

East Montpelier Parcels 2017

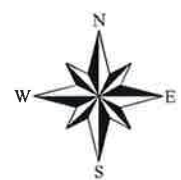
*Red square is approximate  
proposed location for new garage*



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Atkins -- 390 Quaker Road  
East Montpelier**



10/25/2017