

Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing Tuesday, August 4, 2015 at 7:00 p.m. at the Municipal Office Building to conduct dimensional variance use review of zoning application #15-012 submitted by James Shanley & Kim Kendall. This is essentially a request to allow the replacement of the existing derelict garage located right next to Sparrow Farm Road with a new garage that will have a steeper roof structure. The new garage will be constructed within the existing footprint and be more architecturally compatible in period style, with trim work matching the main house. The following notice will appear in the Times Argus Monday, July 20, 2015:

The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, August 4, 2015 at 7:00 p.m. at the Municipal Office Building to consider the following:

Dimensional variance review of Application #15-012 submitted by James Shanley & Kim Kendall to construct a 13' x 25' garage on their property located at 950 Sparrow Farm Road. The proposal is to remove an existing, fully non-conforming due to setback, garage with a new structure within the same ground footprint but with greater volume. The property is located in the Agricultural/Forest Conservation District – Zone E which requires a 75-foot front setback from road centerline. The leading edge of the existing garage is 26 feet from centerline.

The applicant must hand deliver or send by certified mail a copy of this notice to all abutting landowners at least 15 days before the Development Review Board's hearing date. Neighbors do not need to attend the hearing unless they would like to make comments to the Development Review Board. **However, participation (in person or in writing) in the local proceeding is a prerequisite to the right to appeal any resulting decision or action of the Development Review Board, pursuant to 24 VSA §4464(a)(1)(c).**

Questions may be directed to the zoning administrator at the East Montpelier Municipal Office Building (802-223-3313x204) or by e-mail at eastmontadmin@comcast.net.

C. Bruce Johnson
East Montpelier Town & Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651

Permit # 15-012
Zoning District E
Overlays —

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

Date Received: 6/10/15
Parcel # 01-053.000
Tax Map # 03-00-34.000

A. 1. Name of Landowner James Shanley / Kim Kendall Phone No. 223-4856
2. Address of Landowner 950 Sparrow Farm Rd. Montpelier, VT 05602
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property..... Same jshanley@usgs.gov

B: Application is made (check appropriate boxes):

- | | | |
|--|---|--|
| To: | For: | For: |
| <input type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input type="checkbox"/> Subdivision of land |
| <input checked="" 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..... We would tear down the existing structure and rebuild in the same footprint. The new structure will be more architecturally compatible in period style, with trim work mimicking the main house - bird's nest returns, 10:12 roof pitch etc. The 8' wall height proposed (drawing) matches the existing.

C. Lot description:

- | | |
|---|---|
| 1. acreage <u>7.6 total</u> | 4. depth side yards <u>130</u> Ft. <u>150</u> Ft. (building to lot lines) |
| 2. road frontage <u>300</u> Ft. | |
| 3. depth front yard <u>26</u> Ft. (Road centerline to building) | 5. depth rear yard <u>500</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:

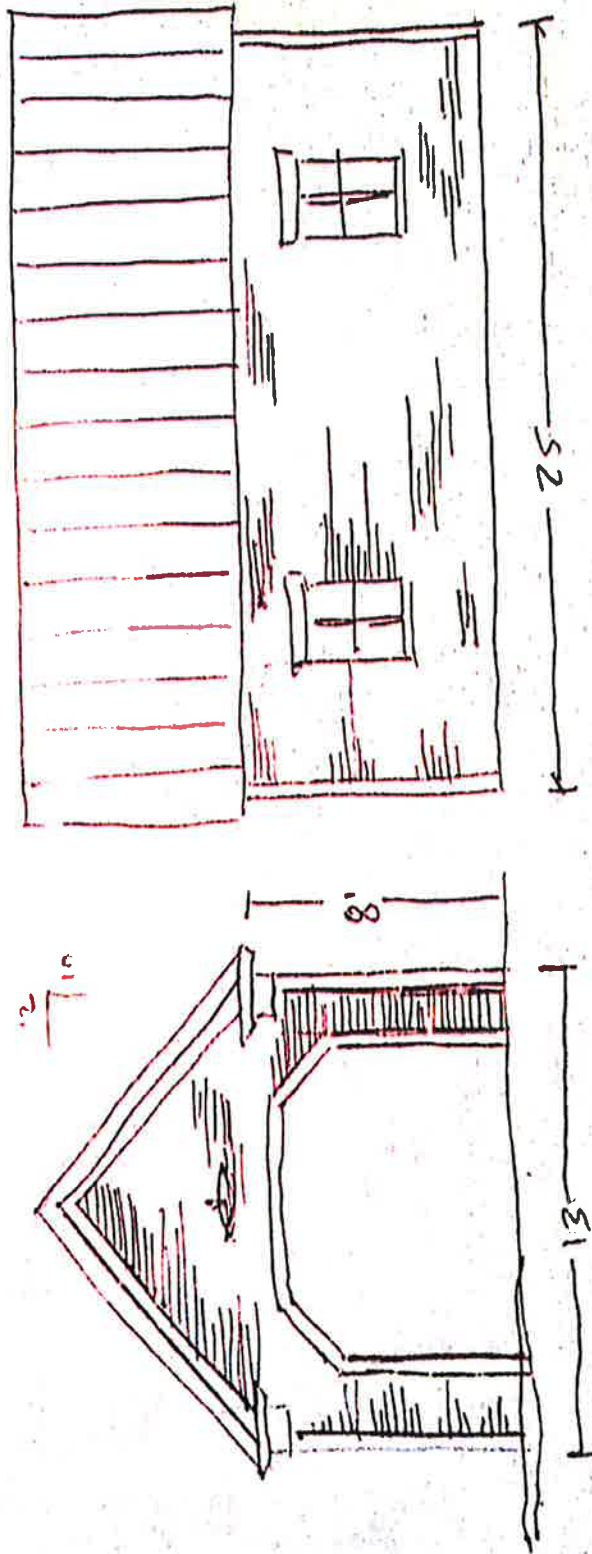
In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided 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 James B. Kelly Date 7/7/2015
Applicant Date

Zoning Permit Fee: \$ 150.00 Cash 50 Check 2044 Date 6/10/15 Rec'd by DB
DRB Hearing Fee: \$ _____ Cash _____ Check _____ Date 7/7/15 Rec'd by DB

Make checks payable to the "Town of East Montpelier"

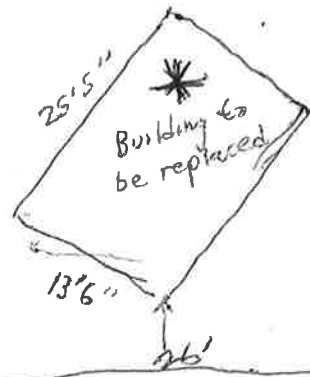
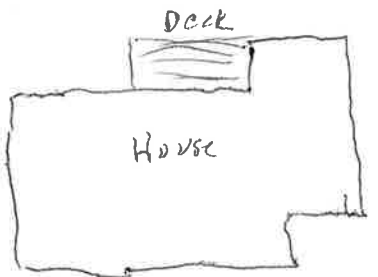
Artistic rendering of
replacement structure



Back lot line



>100'



Side lot line



Perkins Rd

Sparrow Farm Rd.

Gould Hill Rd.



VERMONT

Shanley -- 950 Sparrow Farm Road

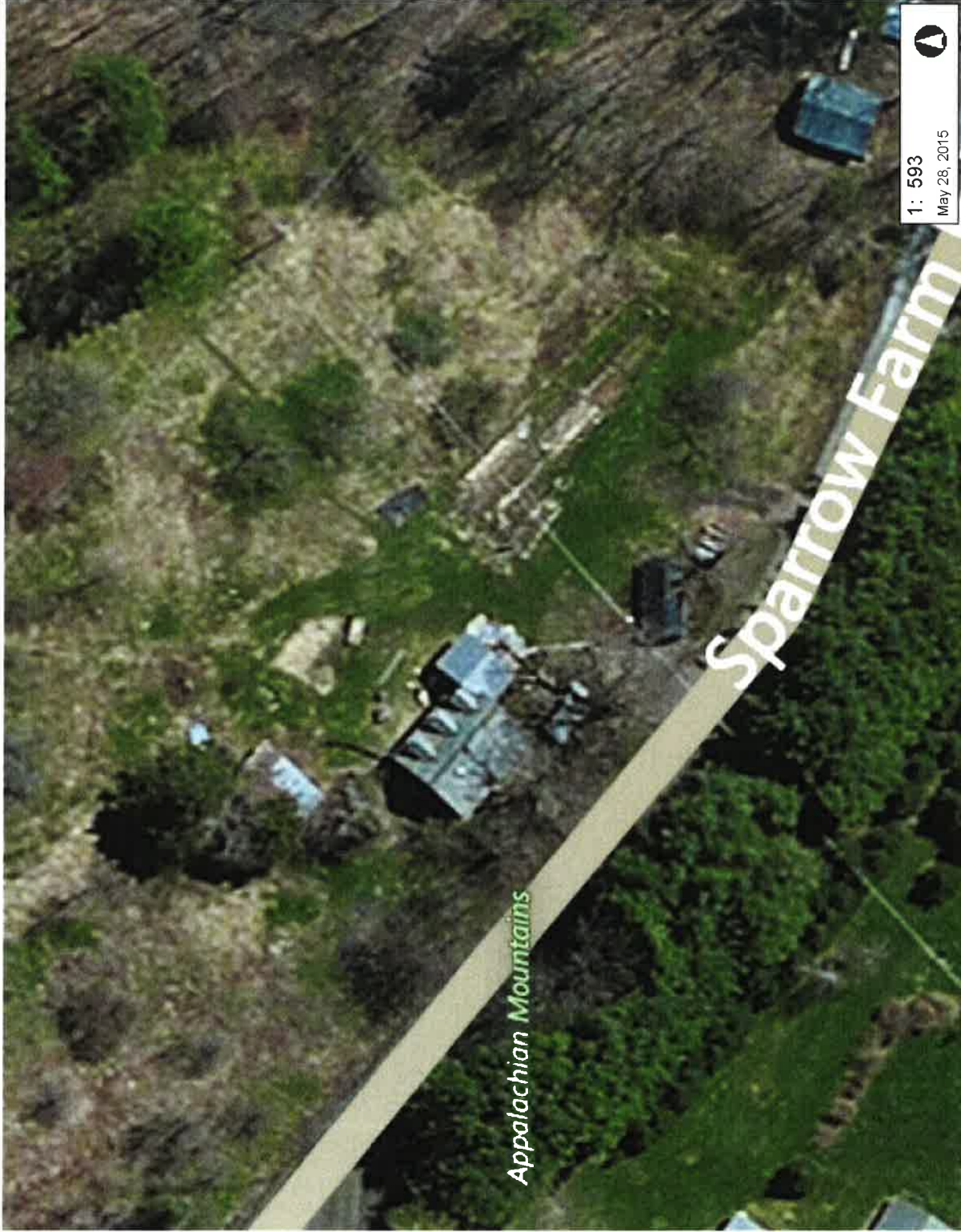
Vermont Agency of Natural Resources

vermont.gov



LEGEND

Town Boundary



1: 593

May 28, 2015



30.0 Meters

15.00

0

1" = 49 Ft.

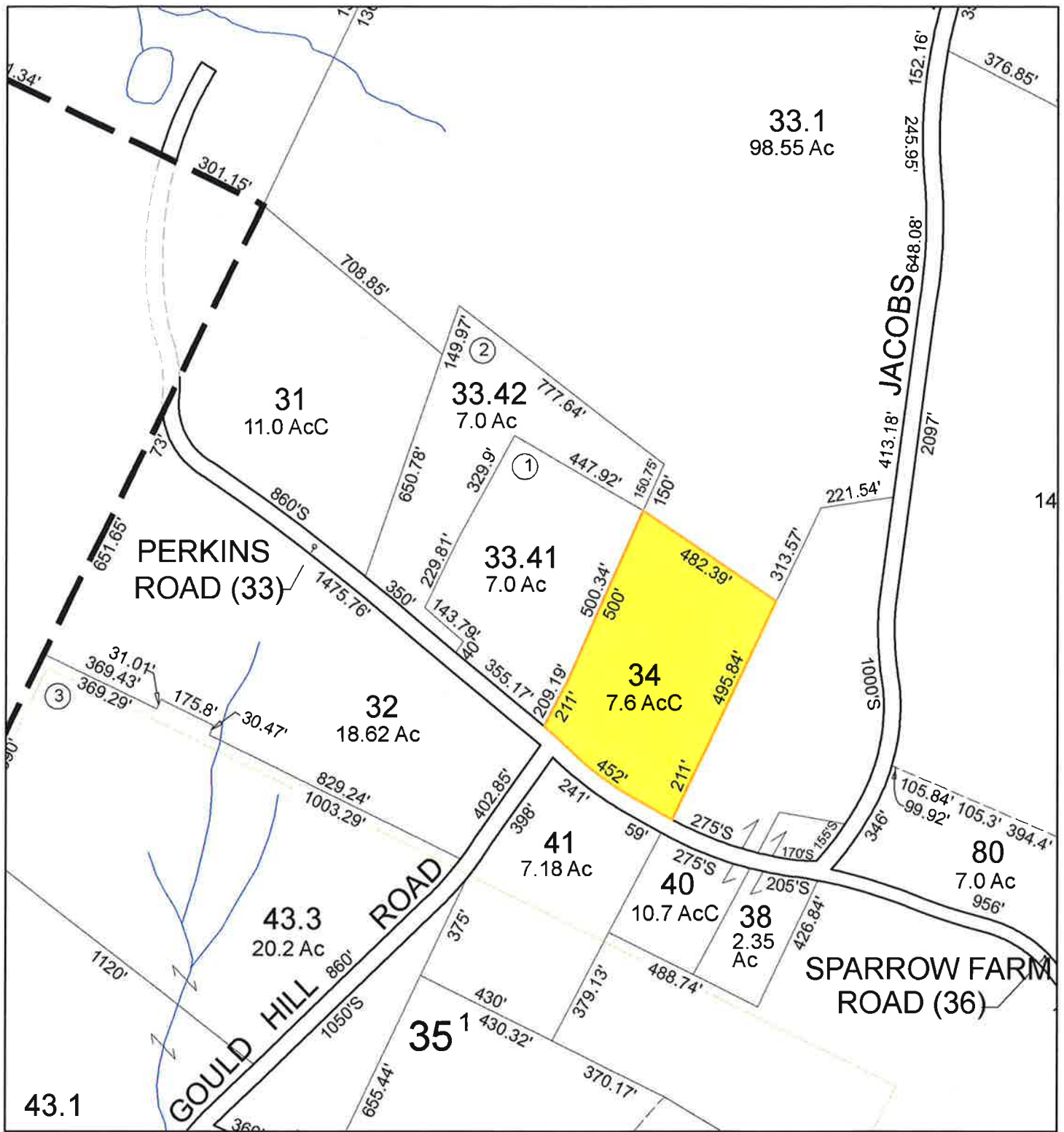
1cm = 6 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

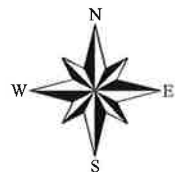
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

Map created using ANR's Natural Resources Atlas



**Shanley -- 950 Sparrow Farm Road
East Montpelier**



5/8/2015

FOR OFFICE USE ONLY

If Applicable

- On-Site Sewage Permit
- Access Permit
- 60 Ft. R-O-W
- Site-Plan
- Sub-division

01-053.000

11469

Town Of East Montpelier
Application For Zoning Permit
 (SUBMIT THREE COPIES)

Application No. 53-03
 Date Rec'd 5/12/03
 Zone E
 TR # _____ TM # 3-00-34

- A. 1. Name of Landowner James B. Shanley Phone No. 223-4856
 2. Address of Landowner 950 Sparrow Farm Rd.
 3. Applicant (other than owner) _____ Phone No. _____
 4. Address of Applicant _____
 5. Location of Property Same as above

B. Application is made (check appropriate boxes)

- To erect
 repair For one two family dwelling For land development (land development is defined as the division of a parcel into two or more parcels)
 alter commercial/business
 extend light industrial
 remove industrial
 change use accessory building
 other

Describe work to be performed We propose to dismantle the existing 16x16' porch and replace with a mudroom/porch with slightly larger footprint. Also, a new deck will be constructed at rear to connect house and new porch. Existing porch has flat roof. New construction would have peaked roof same pitch and parallel to main house

C. Lot description:

1. acreage 7.6
 2. road frontage 600 Ft.
 3. depth front yard 20 Ft. (R-O-W to building)
 4. depth side yards 300 Ft. 300 Ft. (building to lot lines)
 5. depth rear yard 500 Ft. (building to lot line)

Important — Submit site location map which describes the property on which the proposed land or building 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 R-O-W. Each parcel created by land development should be clearly described.

- D. Is lot a sub-division? No; Is lot two or more parcels less than ten acres? No
 State Environmental Permit No. _____; If three or more parcels, ten acres or less, is town plot plan provided? _____

E. Zoning Permit Fee \$ 35 Cash _____ Check Date 5/12/03 Rec'd by Jc
 Hearing Fee \$ 75.00 Cash _____ Check Date 6/9/03 Rec'd by Jc
 Make checks payable to Town of East Montpelier.

READ CAREFULLY No land or building development may commence, nor shall any land or structure be used or extended in any way, until a Zoning Permit has been duly issued as provided in Section 4443 of the Act.

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 begun 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.

Landowner James B. Shanley Date 5-12-03
 Applicant _____ Date _____

F. Action by Administrator:

- 1. Granted Denied 5/23 date Reason needs dimensional variance
- 2. Appealed to Board of Adjustment. Date
Applicant Note: Appeal from decision or act of Administrator must be made in writing to the Secretary of the Board of Adjustment within 15 days of the decision or act.
- 3. Final Action: Permit No. 53-03 Date Issued June 16, 2003
 Effective Date July 1, 2003 DO NOT start this project prior to the effective date, as the statutes require a 15 day appeal period.

Diana F. Chace
 Zoning Administrator

G. Planning Commission Action:

- 1. Public Notice Date Date of Hearing
 - 2. Granted With conditions as follows:
 - 3. Denied, Reason:
 - 4. Date Approved Date of Denial
- Chairman, Planning Commission

H. Board of Adjustment:

- 1. Public notice date May 23, 2003 Date of hearing June 9, 2003
- 2. Action by Board: Granted With conditions as follows:
see written decision of June 16, 2003
- 3. Denied: Reason Date of Denial

Jeffrey Cretz
 Chairman, Board of Adjustment

Important

An appeal from a decision or act by the Board of Adjustment must be made within 30 days from the date of action shown on line H3 above. Said appeal is to the County Court under 24 V.S.A., Sec. 4471.

TOWN OF EAST MONTPELIER
BOARD OF ADJUSTMENT

In the matter of:

James B. Shanley
950 Sparrow Farm Road
East Montpelier, VT 05602

ZONING PERMIT APPLICATION NO. 53-03
VARIANCE REQUEST

On May 12, 2003, James B. Shanley filed an application with the Town of East Montpelier for a Zoning Permit to demolish an existing porch and construct a mudroom, porch and deck on his house located on Sparrow Farm Road. The Zoning Administrator denied the application on May 23, 2003 based on the lack of a sufficient setback from the front line. The action was appealed to the Board as provided for under 24 V.S.A. Section 4468.

On May 23, 2003, a public notice was duly published in the Times Argus for a hearing, which was conducted on June 9, 2003. Mr. Shanley participated in the hearing.

The Board members which considered the appeal were Ellingwood, Carver, Cueto, Curtis, King, Strong, Biggam, and Conti.

FINDINGS OF FACT

1. The appellant owns an existing older home on Sparrow Farm Road in Zone E.
2. The front, side, and rear yard minimum requirements in Zone E are 75 feet (Regulations, Article IV, Section 5). The appellant proposes to demolish an existing porch, 11'2" by 16'2" deep, on the east end of his house and construct a mudroom and porch back slightly and overlapping the existing porch footprint. To the rear of the house and connecting with the porch, a deck would be constructed, 12 feet long and 10 feet deep starting at the northeast corner of the house. The new porch and mudroom would be 20 feet deep and 12.5 feet wide. The front of the new construction would be back 6 feet further from the road relative to the existing porch.
3. The house is a non-complying structure. The front of the house is 20 feet from the highway right of way, and the existing porch is about 34 feet from the right of way. The rear of the house is 50 feet from the right of way. The entire house is, therefore, within the ordinance's front yard requirement. The side and rear yards would all substantially exceed the 75 foot minimum.

4. The house was built about 1850, well before the Town adopted a zoning ordinance.
5. The new construction would not increase the degree of noncompliance relative to what currently exists.

CONCLUSIONS

A variance from the regulations can only be granted if the Board determines that the proposal meets the five criteria set forth in state law (24 V.S.A. Section 4468).

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

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

This criterion is met due to the physical circumstance of this being an existing non-complying structure that does not meet the front yard minimum and pre-existed the zoning regulations. (Vote: unanimous)

Criterion 2: *That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

This criterion is met because this is an addition to an existing non-complying structure that cannot be added onto without a variance. (Vote: unanimous)

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

This criterion is met because the appellant did not construct the house. (Vote: unanimous)

Criterion 4: *That 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, nor be detrimental to the public welfare.

This criterion is met because the addition as proposed will not alter the essential character of the neighborhood. (Vote: unanimous)


Criterion 5: *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.*

This criterion is met because addition can not be constructed further back from the front line than is proposed and still meet the intended purpose. The proposal will be closer in conformance compared to the existing porch. For the mudroom to be functional, the new structure cannot be moved back further. (Vote: unanimous)

DECISION

By unanimous vote, the Board grants the variance from the front yard minimum requirements for the zoning permit application as submitted.

Dated this 16 day of June, 2003.



Jeffrey R. Cueto, Chair
Board of Adjustment