

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: September 27, 2019

Effective Date: October 12, 2019

Location: 550 Coburn Road

Owner: Nathan Ebert & Usnea Granger

For: Construction of a 25' x 35'

Garage w/ 12' x 35' Shed Roof

Application # 19-044

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

September 27, 2019

Nathan Ebert
Usnea Granger
550 Coburn Road
Plainfield, VT 05667

Re: East Montpelier Zoning Application #19-044

Dear Mr. Ebert & Ms. Granger:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your requested setback waiver in application #19-044 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 #19-044 authorizing the construction of a 25' x 35' garage with an attached 12' x 35' shed roof at your 550 Coburn Road property. You are responsible for providing the necessary documentation to prove compliance with East Montpelier Land Use & Development Regulations Section 9.6(B), dealing with the flood zone issue, as part of your submission of the enclosed Certificate of Compliance form prior to use of the new garage.

Please 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: Nathan Ebert & Usnea Granger
 550 Coburn Road
 Parcel # 08-072.000 Tax Map # 09-00-56.100

East Montpelier Zoning Application #19-044

INTRODUCTION & PROCEDURAL HISTORY

1. On August 14, 2019, Nathan Ebert & Usnea Granger filed an application with the Town of East Montpelier to construct a 25' x 35' garage with a 12' x 35' shed roof in a location slightly to the south and closer to Coburn Road than the existing 24' x 24' garage, which will be deconstructed as part of the project. The chosen location for the new structure is approximately 50 feet from the Coburn Road centerline.
2. The property in question lies in the Rural Residential and Agricultural District – Zone D, where the minimum front setback is 75 feet. Due to the desire to place the structure closer to the road centerline 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 August 17, 2019 for a hearing, which was conducted on September 3, 2019.
4. The DRB conducted a site visit to the property on September 3, 2019 prior to the public hearing.
5. Applicant Nathan Ebert and Zoning Administrator Bruce Johnson appeared and participated in the September 3, 2019 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the September 3, 2019 hearing were Kappel, Cueto, Lane, Justis, Weyant, Oates, Cutler, Hill, and Watson.

FINDINGS OF FACT

1. Applicants propose to construct a 25' x 35' garage with an attached 12' x 35' shed roof on their single-family residential property located at 550 Templeton Road. The proposed garage would be utilized to support applicants' home occupation and for general use. The existing garage near the proposed site will be taken down.

2. The property is located in Zone D – the rural residential & agricultural district, where the front setback is 75 feet from the centerline of Coburn Road. Applicants propose to locate the structure no closer than 50 feet from the centerline, necessitating a 25-foot front setback waiver under the provisions of East Montpelier Land Use & Development Regulations Section 3.14.
3. A significant portion of the roadside section of the parcel is in the special flood hazard area (Zone A) as shown in the current Flood Insurance Rate Map. Both the existing garage location and proposed site are in the flood zone. A FEMA letter of map amendment process has been commenced as the location appears to be significantly above the base flood elevation. Accessory structures are allowed when out of the floodway and river corridor, as this site is, subject to certain development limitations imposed by East Montpelier Land Use & Development Regulations Section 9.6(B). Applicants understand that compliance with Section 9.6(B) must be documented prior to use of the structure.
4. Applicants' lot has significant terrain challenges to the sides and rear of the existing developed area, with reasonably flat land at a premium and mostly located near the road.
5. Properties in Zone D has a mandated setback of 75 feet from road centerline. The proposed structure will be located 50 feet from the Coburn Road centerline, a bit closer to the road and slightly south of the existing garage's location. The proposed site is generally level. The shed roof addition is on the west side of the building, away from the road.

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 25' setback waiver is necessary, due to existing parcel limitations, to allow for a reasonable development of the Ebert/Granger 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 front setback.

DECISION

By unanimous vote, the DRB approves a 25-foot Section 3.14 setback waiver to allow the construction of a 25' x 35' garage plus 12' x 35' shed roof as presented in Zoning Application #19-044.

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 27th day of September, 2019.

A handwritten signature in blue ink, appearing to read 'Steve Kappel', is written over a horizontal line.

Steve Kappel – 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 # 19-044

Zoning District D

Overlays SFHA; WR

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 8/14/19

Parcel # 08-072.000

Tax Map # 09-00-56.100

***** Nathan Ebert and Usnea Granger *****

- A. 1. Name of Landowner..... Phone No. 612-940-4028
 2. Address of Landowner..... 550 Coburn Rd, Plainfield VT, 05667
 3. Applicant (other than owner)..... Phone No.
 4. Address of Applicant..... Same
 5. Location of Property..... 550 Coburn Rd

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..... We would like to build a new garage with a foundation of 25 x 35 ft, in a different location than the current garage, then remove the old garage. The new structure will also have a 12 x 35 ft shed roof attached to the west side.

- C. Lot description:
- | | |
|--|--|
| 1. acreage <u>3.5</u> | 4. depth side yards <u>135</u> Ft. <u>154</u> Ft.
(building to lot lines) |
| 2. road frontage <u>300</u> Ft. | |
| 3. depth front yard <u>50</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>488</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 Nathan Ebert Date 8-14-19
 Applicant Usnea Granger Date 8-14-19

Zoning Permit Fee: \$ 20000 Cash Check \$90 Date 8/14/19 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
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 # 19-044 Date Issued 09/27/19 Effective Date 10/12/19

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

* Due to flood zone issue


Zoning Administrator

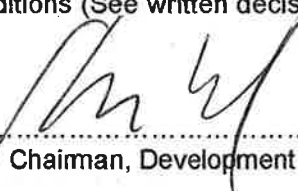
F. Action by Development Review Board:

1. Public Notice Date 8/17/19

2. Date(s) of Hearing 9/3/19

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: September 27, 2019

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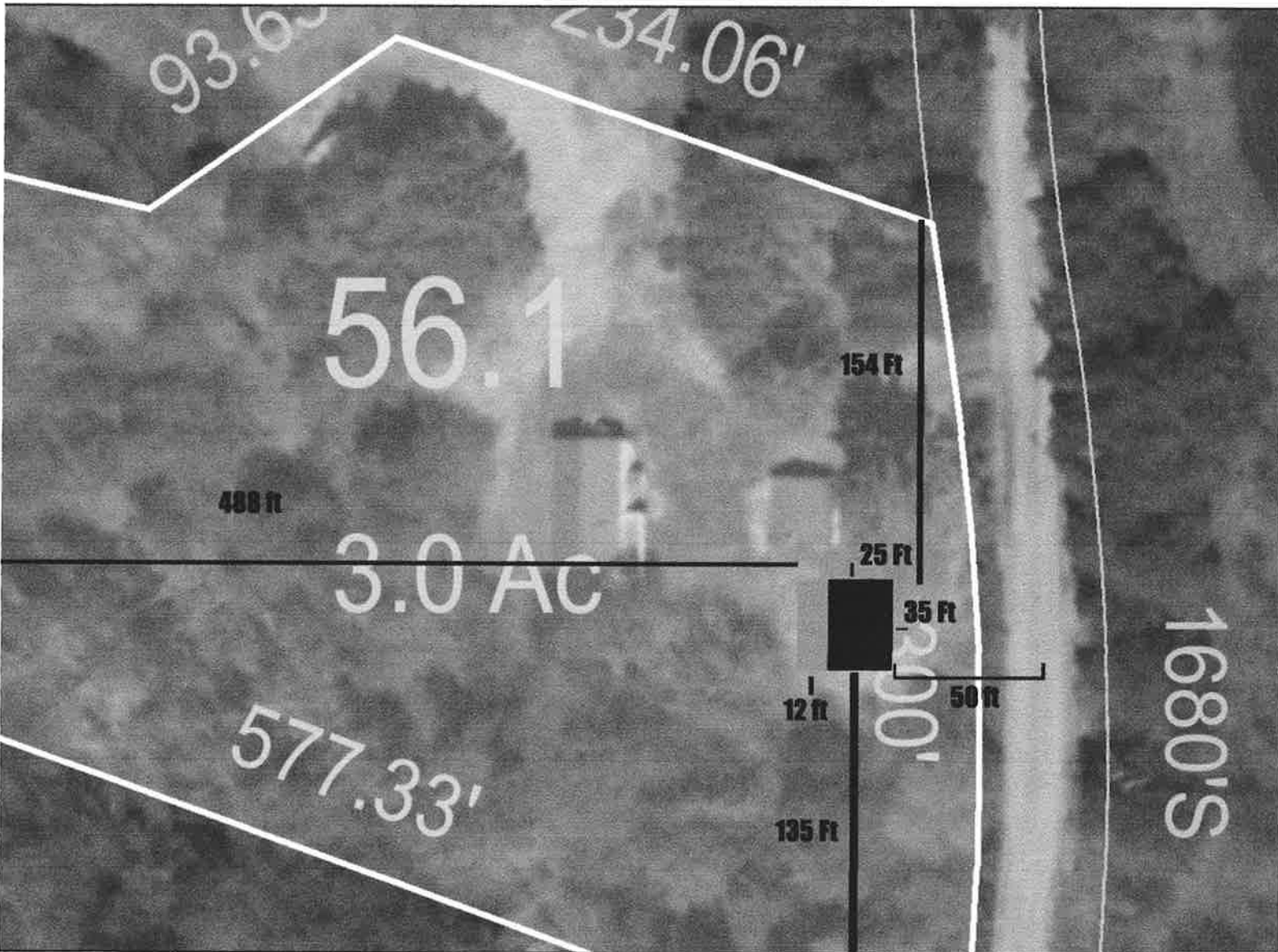
East Montpelier, VT



019

1 inch = 60 Feet

www.



map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Ebert/Granger -- 550 Coburn Road

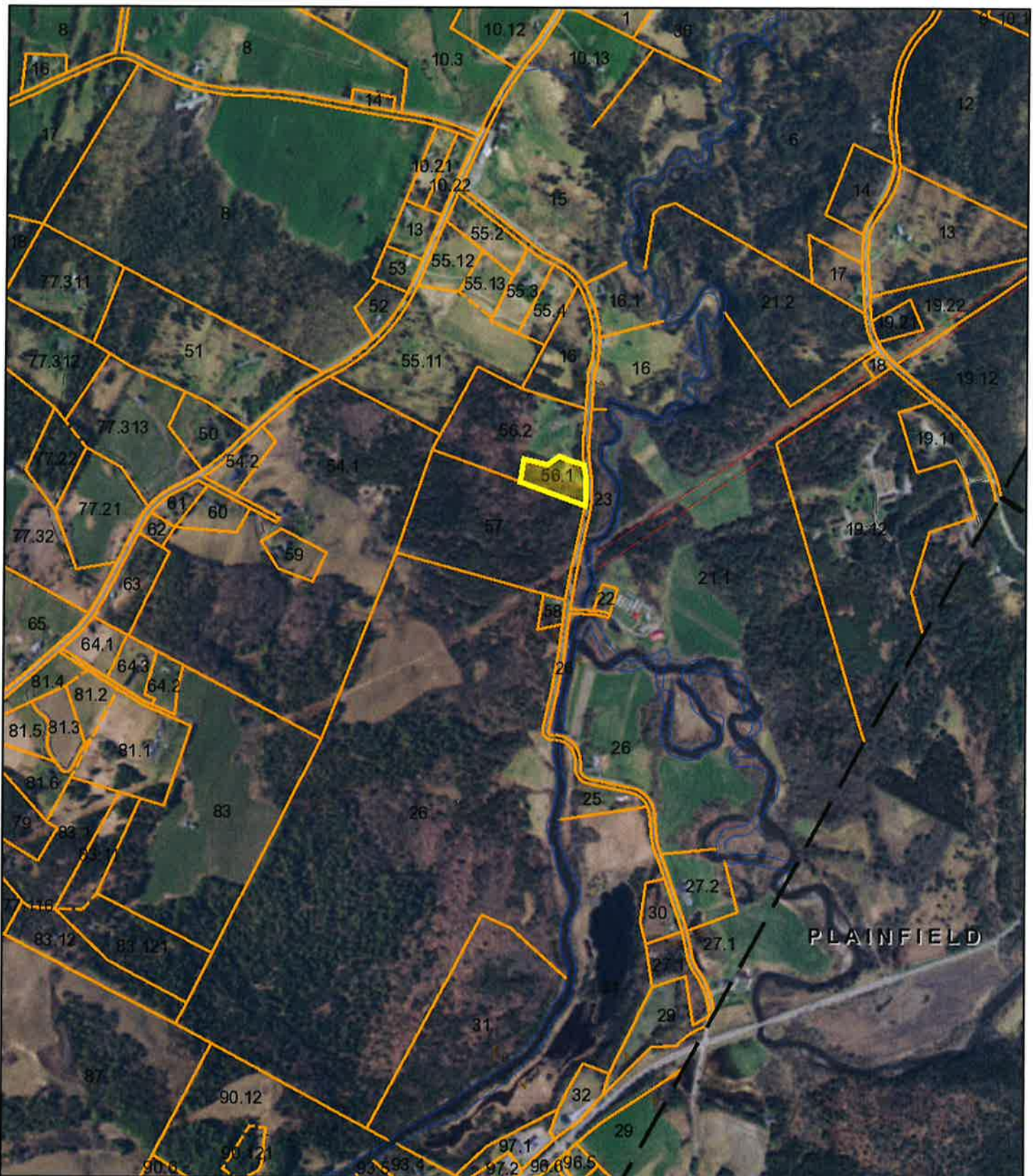
East Montpelier, VT



August 14, 2019

1 inch = 1128 Feet

www.cai-tech.com



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Ebert/Granger -- 550 Coburn Road

East Montpelier, VT



August 14, 2019

1 inch = 134 Feet

www.cai-tech.com



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VERMONT SURVEY and ENGINEERING, INC.

SURVEYORS and CIVIL ENGINEERS

79 RIVER STREET, SUITE 201 • MONTPELIER, VERMONT 05602
(802) 229-9138 • FAX (802) 229-9130 • E-mail: Info@VermontSurvey.com

August 15, 2019

LOMA Manager
LOMC Clearinghouse
847 South Pickett Street
Alexandria, VA 22304-4605

**Re: CLOMA Application – 550 Coburn Road, East Montpelier, VT 05651
Request for BFE Calculation in Zone A**

Dear LOMA Manager,

I am writing this cover letter on behalf of our clients, Nathan Ebert and Usnea Granger, owners of land and the proposed structure located at 550 Coburn Road, East Montpelier, Vermont. Our clients are hopeful that this proposed garage site will qualify for a CLOMA, and after completion a LOMA Removal determination.

This proposed structure lies entirely in Zone A as shown on the included Firmette, excerpted from the Town of East Montpelier 500111 FIRM, Panel 0287 E, with an effective date of March 19, 2013. Base Flood Elevations for this area have not been calculated according to our research, and we respectfully request that FEMA calculate a BFE for this proposed structure based upon the attached information.

As shown on the included flood plain cross section, the proposed garage Lowest Adjacent Grade is more than 40 feet higher than the August 6, 2019 water level in the Kingsbury Branch, and significantly higher than the agricultural fields along the easterly side of the river. Based on these elevation differences it seems highly unlikely that this proposed garage site could be inundated by a 1% annual chance event.

If there is additional information needed for this calculation, please contact me and I will be happy to provide whatever is necessary.

Sincerely,

Andrew McQueeney
Vermont Survey and Engineering, Inc.