

# Town of East Montpelier

# ZONING PERMIT

## NOTICE

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

Date Issued: October 3, 2019

Effective Date: October 18, 2019

Location: 2100 Center Road

Owner: John & Sandra Flannery

For: 24' x 24' Detached Garage

Application # 19-052

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

October 3, 2019

John & Sandra Flannery  
2100 Center Road  
Montpelier, VT 05602

Re: East Montpelier Zoning Application #19-052

Dear Mr. & Mrs. Flannery:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback waiver request contained in your zoning application #19-052 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 #19-052 for the construction of a 24' x 24' detached, single-story garage on your property located at 2100 Center Road.

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:      John & Sandra Flannery  
                                 2100 Center Road  
                                 Parcel # 04-048.000   Tax Map # 08-02-44.000

East Montpelier Zoning Application #19-052

**INTRODUCTION & PROCEDURAL HISTORY**

1. On September 20, 2019, John & Sandra Flannery filed an application with the Town of East Montpelier to construct a 24' x 24' detached garage in a location slightly to the north of the driveway and closer to Center Road than their existing home. The chosen location for the new structure is approximately 57.9 feet from the Center Road centerline.
2. The property in question lies in the Agriculture and Forest Conservation District – Zone E, 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 September 24, 2019 for a hearing, which was conducted on October 1, 2019.
4. The DRB conducted a site visit to the property on October 1, 2019 prior to the public hearing.
5. Applicants John & Sandra Flannery and Zoning Administrator Bruce Johnson appeared and participated in the October 1, 2019 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the October 1, 2019 hearing were Kappel, Cueto, Lane, Justis, Weyant, Cutler, and Oates.

**FINDINGS OF FACT**

1. Applicants propose to construct a 24' x 24' garage on their single-family residential property located at 2100 Center Road. The proposed site for the single-story structure is just north of the existing driveway bump-out, some 40 feet closer to Center Road than the existing house with attached garage.
2. The property is located in Zone E – the agricultural & forest conservation district, where the front setback is 75 feet from the centerline of Templeton Road. Applicants propose to locate the structure approximately 57.9 feet from the centerline, necessitating an 18-foot front setback waiver under the provisions of East Montpelier Land Use & Development Regulations Section 3.14.

3. Applicants' lot has significant terrain and other development challenges, with reasonably flat land without development constraints at a premium and mostly located near the road. The proposed site leaves enough room between the garage site and the existing house to allow access to the north side of the house and septic infrastructure.
4. The proposed site is well screened from Center Road and is north of the existing development on the lot, allowing for the continuation of existing passive solar and the potential of future solar infrastructure on the south-facing portion of the property.

## 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 18' setback waiver is necessary, due to existing parcel limitations, to allow for a reasonable development of the Flannery 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 an 18-foot Section 3.14 setback waiver to allow the construction of a 24' x 24' garage as presented in Zoning Application #19-052.

**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 3<sup>rd</sup> day of October, 2019.



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 # 19-082  
Zoning District E  
Overlays —

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

Date Received: 9/20/19  
Parcel # 04-048.000  
Tax Map # 08-02-44.000

\*\*\*\*\*

- A. 1. Name of Landowner John E & Sandra Flannery Phone No. 802-223-5569  
2. Address of Landowner 2100 Center Road Montpelier, VT 05602  
3. Applicant (other than owner) — Phone No. —  
4. Address of Applicant —  
5. Location of Property 2100 Center Road

**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 checked="" type="checkbox"/> Other              |

Describe work to be performed to construct a Ranch style garage  
24 x 24 single story that will require set back  
adjustments that requires DRB approval.

**C. Lot description:**

- |  |  |
|--|--|
| 1. acreage <u>3.7 acres &amp; Dwb.</u>                               | 4. depth side yards <sup>N</sup> <u>295'</u> <sup>S</sup> <u>318'</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>683.37</u> Ft. <sup>N</sup> <u>W</u>             |  |
| 3. depth front yard <u>57.9</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>221'</u> <sup>E</sup> 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 John E. Flannery Date 9-20-2019  
Applicant — Date —

\*\*\*\*\*

Zoning Permit Fee: \$ 200.00 Cash \$50 Check \$150 4823 Date 9/20/19 Rec'd by D.S.

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:**

1. ☒ Granted ☐ Denied Date ..... Reason.....

2. Appealed to Development Review Board ..... By .....  
Date .....

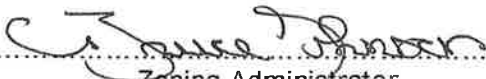
**Notice:** Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 19-052 Date Issued 10/03/19 Effective Date 10/18/19

**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

  
.....  
Zoning Administrator

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

1. Public Notice Date 24 SEPT 2019

2. Date(s) of Hearing 1 OCT 2019

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: October 3, 2019

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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Center Road

52

B

133.35'

264.00' (HELD PER REF.#1)

BEARING HELD PER REF.#1  
S 79°27'40" E

72

70.00'

71

60.65'

76

S 79°27'40" E  
144.34' (MEASURED)  
150± PER BK. 27/368

70

FLANNERY  
2100 CENTER ROAD  
3.65 ACRES±\*

AS MEASURED TO ROAD  
RIGHT-OF-WAY LIMITS±  
BOOK 27/368

PART OF PARCEL#1 OF REFERENCE#1

GARAGE  
Application

318'

57.9'

295'

24'

221'

WELL

HOUSE

SHED

30" MAPLE

34" PINE

N 17°02'21" E

233

133.00'

131

510.69'

ROW OF SPRUCES

MEASURED, 776.40' REF.#1

WOLFE TO TOWN OF EAST  
MONTPELIER/DOTY CEMETERY  
PAGE 282  
REFERENCE#1

N/F SAUDEK  
BOOK 27, PAGE 11

*Flannery Property*  
*2100 Center Road*  
*East Montpelier, VT.*

[Home](#)[Models](#)[Contact](#)[Videos](#)

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Ranch 24'x24' 2-Car Garage: Our most popular single story model. Gets 2 vehicles out of the elements with room to spare for lawnmowers, snowblowers, etc.



#### Standard Ranch Garage Features

6" Concrete Slab with 1/2" Rebar 24" Spacing - 2x4 Pressure Treated Sill Plates - 2x4 Wall Framing - Vinyl Siding or 5/8" T-111 Wall Sheathing - Trusses built for Northeast Snowload - 5/8" CDX Plywood for Roof Sheathing - 2x10 Headers Over Garage Doors - 2x10 Headers Over Windows - Two Insulated Double Hung Windows - Two 9'x7' Steel Garage Doors with Glass - One 36" Steel Entry Door with Glass - Plywood soffits - Pine Fascia and Trim - 8" Galvanized Drip Edge - Metal Roof or (15# Felt Paper - 30 Year IKO 3 Tab Shingles) - Your Choice of Stain with T-111 - 12" Overhangs for Roof - Labor to do the above.





# Flannery -- 2100 Center Road

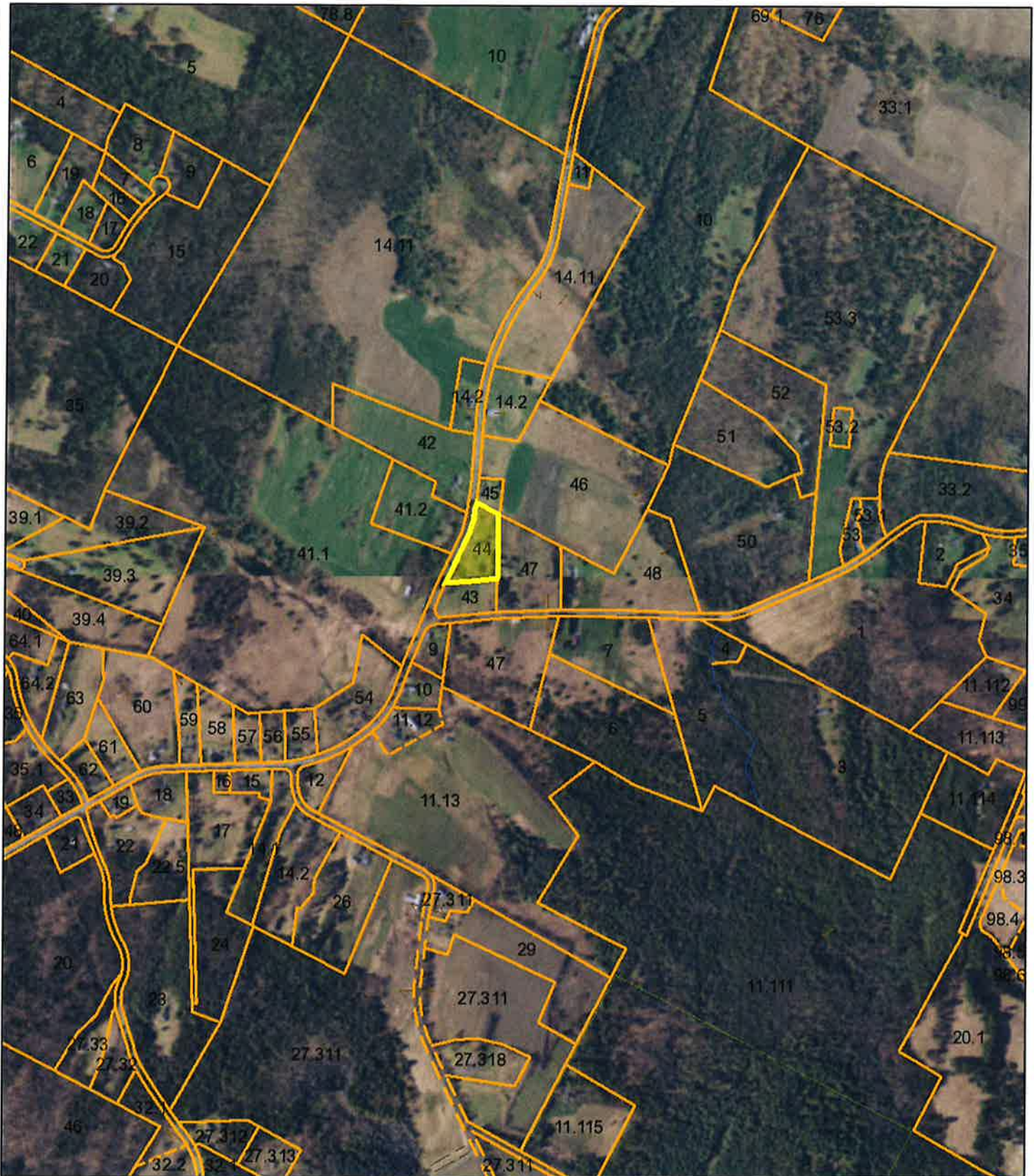
East Montpelier, VT



September 20, 2019

1 inch = 1078 Feet

[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this 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.