

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 20, 2021

Effective Date: October 5, 2021

Location: 505 Quaker Road

Owner: Robert & Rebekah Brown

For: Construction of 40' x 60' Garage; Relocation
of Lean-to & Storage Container; Site Improvements

Application # 21-047

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 20, 2021

Robert & Rebekah Brown
505 Quaker Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-047

Dear Mr. & Ms. Brown:

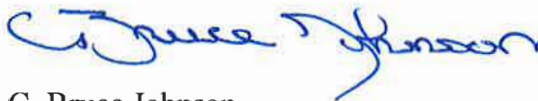
Please find enclosed the written decision of the East Montpelier Development Review Board approving your request to add a commercial garage, relocate existing structures and make site improvements to your 505 Quaker Road property as presented in application #21-047.

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 #21-047 for the requested commercial garage construction, structure relocations and site improvements to your residential/commercial property located at 505 Quaker Road. This permit is an amendment to East Montpelier Zoning Permit 18-055.

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: Robert & Rebekah Brown
 505 Quaker Road
 Parcel # 06-027.000 Tax Map # 21-51-17.000

East Montpelier Zoning Application #21-047

INTRODUCTION & PROCEDURAL HISTORY

1. On July 26, 2021, Robert & Rebekah Brown submitted an application with the Town of East Montpelier for conditional use approval to construct a 40' x 60' commercial garage as well as other improvements at their property located at 505 Quaker Road.
2. The property in question is located in the Residential & Commercial District – Zone C where East Montpelier Land Use & Development Regulations Section 4.11 mixed use properties require conditional use approval from the Development Review Board. The property is subject to East Montpelier Conditional Use Permit #18-055 which authorized two primary uses, single-family residential and motor vehicle service.
3. A public notice was duly published in the Times Argus on August 21, 2021 for a hearing, which was conducted on September 7, 2021.
4. Applicants Robert & Rebekah Brown and Zoning Administrator Bruce Johnson appeared and participated in the September 7, 2021 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the September 7, 2021 hearing were Kappel, Cueto, Lane, Watson, Cutler, Hill, Justis and Weyant.

FINDINGS OF FACT

1. Applicants request to construct a 40' x 60' commercial garage, shift the location of two existing structures, change the use of the existing garage and make site improvements at their 505 Quaker Road parcel. Currently there are two active primary uses on the property as authorized under Conditional Use Permit #18-055: single-family residential

for the Brown family and motor vehicle service in the guise of B&R Auto Service, LLC. Applicants intend to site the new garage, which will be used for the business, behind (to the south of) the existing garage, which will revert to residential use. The relocated structures, which are used for both commercial and residential purposes, will be placed right behind the new garage. The existing drive will be extended to the new garage.

2. The property is located in Zone C – the Residential/Commercial District. The Zone C side setback is 25 feet. The proposed garage will be located at its nearest point slightly over the minimum required distance. The existing storage container will be moved to a location behind the new garage and will also be just over 25 feet from the west side setback.
3. This parcel is affected by two mapped streams which have regulatory setbacks of 50 feet from top of bank. The proposed garage and relocated structures will be well over 100 feet from the closest brook location.
4. There will be no changes to the business operations and there is no expected increase in traffic flow. No employees are anticipated other than the owner/operator of the business. Regular hours of garage operation are Monday-Friday from 8:00 a.m. until 5:00 p.m., with expected customer vehicle drop-off/pick-up hours from 7:00 a.m. until 7:00 p.m.
5. The property has two curb cuts onto Quaker Road. The western cut serves both the residential and commercial uses under East Montpelier Access Permit #19-002. The eastern access point is not formally permitted and is restricted to existing residential use and remnant agricultural use. Applicants understand that additional approvals are necessary before the commercial use can be extended to the easterly access and the associated property area including the existing shed/garage. Applicants are not seeking an expansion of the commercial use to the affected eastern portion of the property at this time.

CONCLUSIONS

The standards for the issuance of a conditional use permit are set forth in Section 5.5 of the East Montpelier Land Use & Development Regulations. It is found that the five general standards in Section 5.5 (C) have been reviewed, and the proposal will not adversely affect any of them. It is further found that the specific standards in Section 5.5 (E) are not applicable to the project. As part of conditional use review Section 5.4 (C) site plan standards have been evaluated and incorporated into this decision.

DECISION

By unanimous vote, the DRB approves as presented Conditional Use Permit #21-047, as an amendment to existing permit #18-055, to allow the construction of a 40' x 60' commercial garage along with the requested structure relocations, structure use change and site improvements. All prior conditions remain in force.

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 20th day of September, 2021.



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 # 21-047Zoning District COverlays WR

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 7/26/21Parcel # 06-027.000Tax Map # 21-51-17.000

- A. 1. Name of Landowner Robert J. Kerkel, Brian Phone No. 802-229-9010
2. Address of Landowner 505 S. Kerkel, East Montpelier, VT 05651
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: | For: | For: |
| <input 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 checked="" type="checkbox"/> Alter | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input checked="" 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 construct a new structure under property behind the existing structure used for our mobile repair business and move the business to the new structure. 40' x 60' Garage on a cement slab. Driveway will be extended out to new structure and existing driveway space will be created to meet needs. See attached for drive detail.

C. Lot description:

- | | |
|------------------------------------|--|
| 1. acreage <u>10.67</u> | 4. depth side yards <u>30.9</u> Ft. <u>276</u> Approx. <u>25.6</u> Ft. |
| 2. road frontage <u>317</u> Ft. | (building to lot lines) |
| 3. depth front yard <u>195</u> Ft. | 5. depth rear yard <u>1000+</u> Ft. |
| (Road centerline to building) | (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 7/26/21Applicant [Signature] Date 7/26/21Zoning Permit Fee: \$ 300.00 Cash Check #1368 Date 7/26/21 Rec'd by D.SDRB 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 # 21-047 Date Issued 09/20/21 Effective Date 10/05/21

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

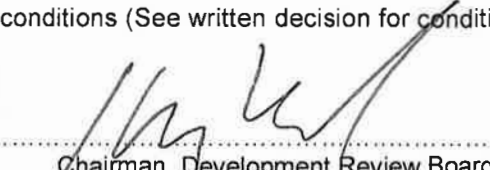
F. Action by Development Review Board:

1. Public Notice Date 08/21/2021

2. Date(s) of Hearing 09/07/2021

3. ☒ Granted ☒ Without ^{new} 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 20, 2021

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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July 20, 2021

To Whom It May Concern,

We own a single-family residence and an automotive repair business located at 505 Quaker Road. Our property is currently zoned as commercial/Residential. We are currently utilizing the existing 24'x28' garage and driveway for the day-to-day operation of this business. We would like to build a separate structure behind the current one and move the business to that structure. The new structure would be 40'x60' and would be accessed by extending our existing driveway beyond the current structure to the new structure. The business model and offered services are not changing. The reasoning behind the new structure is to allow for upgrade of existing equipment and needed space within the work area. This will also allow us to have our personal garage/shop space separated from the business. The business will continue to operate as a single entity and there will be no additional employees working at this business.

As stated above we will continue to use the existing driveway to our home and business and our personal vehicles will be parked in the driveway along with any customer vehicles that are waiting to be worked on or waiting to be picked up. The driveway will be expanded in length to access the new structure and the existing Lean-to and Storage Container will be relocated to the back of the new structure. The Storage Container is used for storage of both residential and business parts/tires as well as person ATVs. The Lean-to will be attached to the back wall of the structure and will have 2 additional walls sided in wood with a tin roof. The base will be crushed stone/driveway material and is used to store our tractor which is used for both residential and business purposes and our lawn mower. Moving these to the back of the new structure will allow for ample driveway space in front of the new structure for safe vehicle movement and allow for a cleaner set up of the area.

We do not expect any impact on road traffic as the business model is not changing and we are not adding employees. The business hours are 8-5 but we expect business related access between the hours of 7am-7pm Monday – Friday to reflect when we expect customers coming and going to and from the business.

Attached is a Permit Application including a site plan outlining the utilization for the new structure and the existing business.

Please contact us if you have any questions.



Robert & Rebekah Brown

Rob -802-522-2608 Becky – 802-522-2035

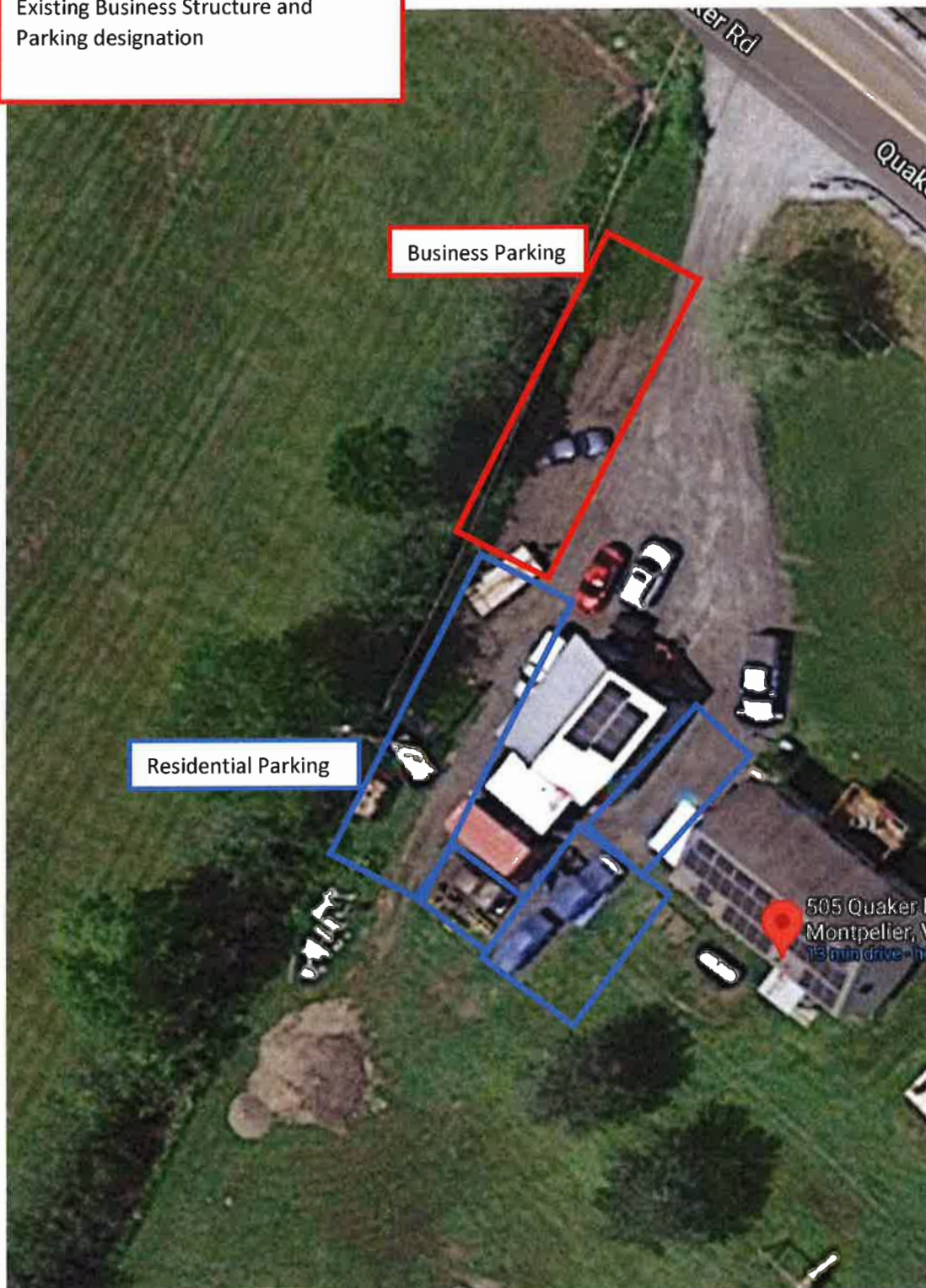
Existing Property

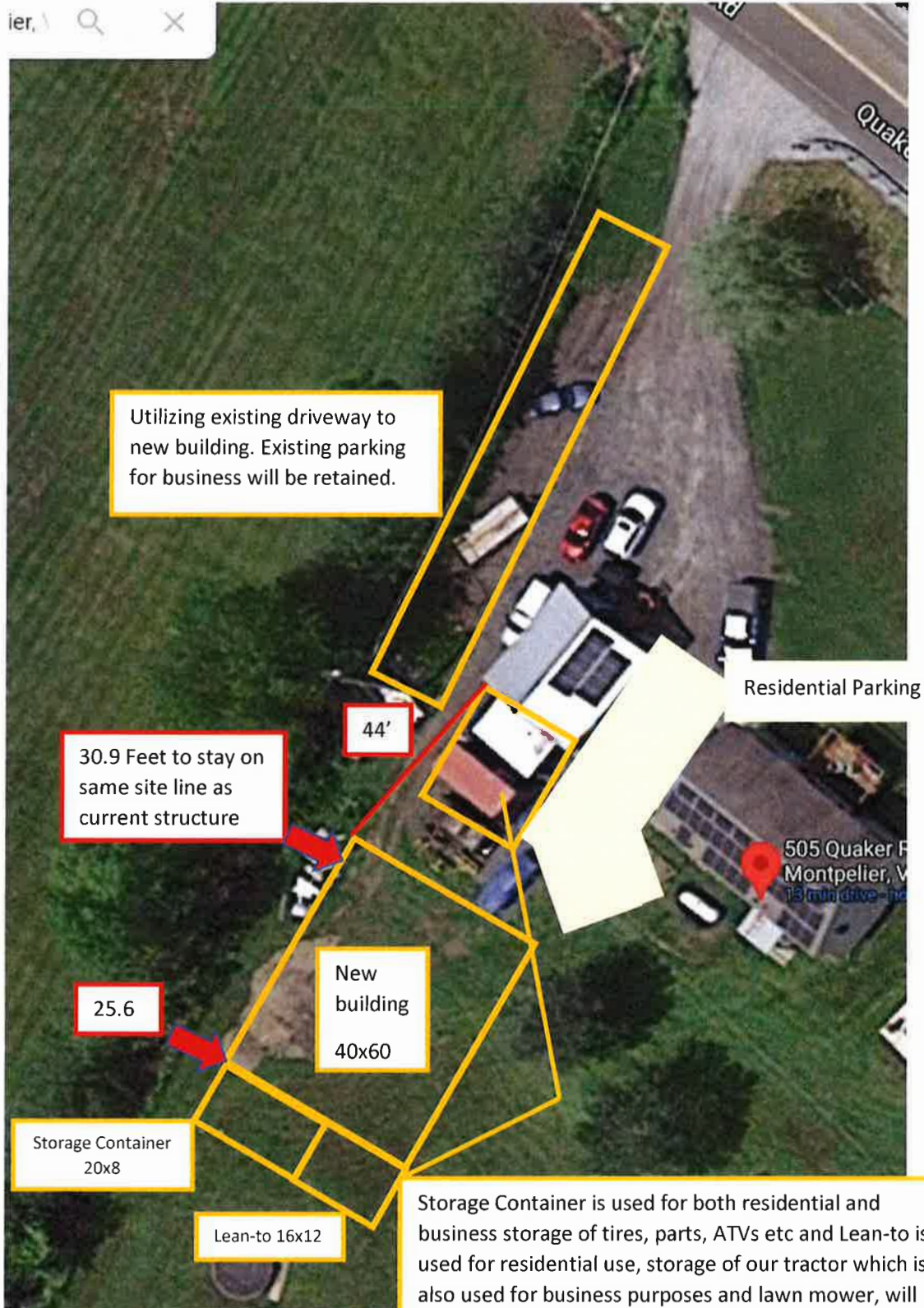


Existing Road
view/siteline



Existing Business Structure and
Parking designation





Utilizing existing driveway to new building. Existing parking for business will be retained.

30.9 Feet to stay on same site line as current structure

44'

25.6

New building
40x60

Storage Container
20x8

Lean-to 16x12

Residential Parking

505 Quaker F
Montpelier, V
13 min drive - no

Storage Container is used for both residential and business storage of tires, parts, ATVs etc and Lean-to is used for residential use, storage of our tractor which is also used for business purposes and lawn mower, will be relocated to back of new structure. Storage container will be at least 25ft from boundary line



Brown -- 505 Quaker Road

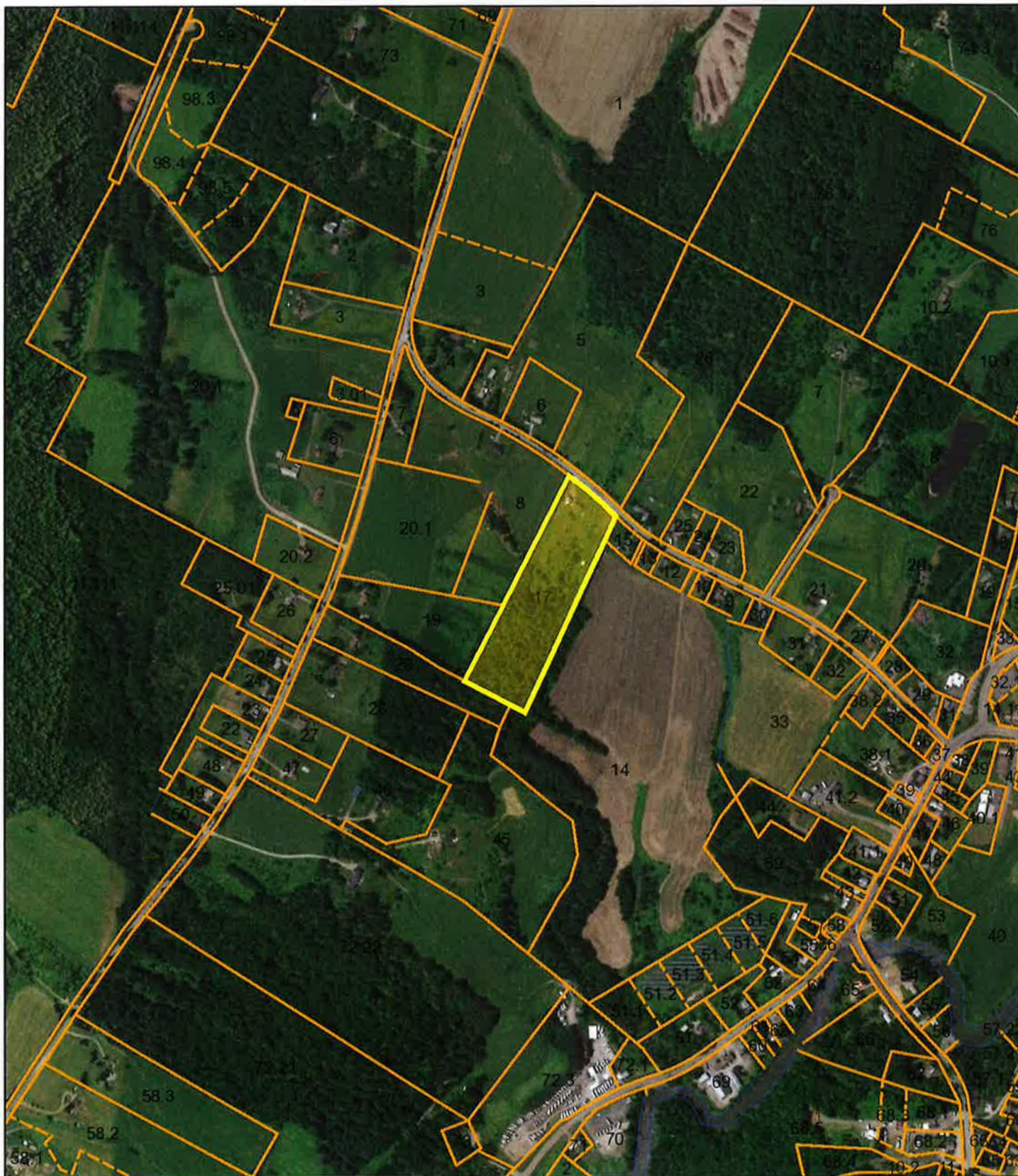
East Montpelier, VT

1 inch = 782 Feet



August 20, 2021

www.cai-tech.com



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