

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:

1226 Bliss Road

Owner:

David Contrada

For:

Conversion of Garage Top Floor to an Accessory

Dwelling; Construction of 21' x 25' Carport

Application #

21-054

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

Alice Angney
PO Box 453
Montpelier, VT 05601

Re: East Montpelier Zoning Application #21-054

Dear Ms. Angney:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the David Contrada request for a dimensional setback variance to allow construction of a carport extension to the existing garage at his 1226 Bliss Road property as presented in amended application #21-054. The amendment removed the eave extension element you were concerned about while granting an additional 3 feet of length for the carport, to 21 feet, in hopes Mr. Contrada will create a covered, enclosed space for the trash containers within the carport.

As an abutting landowner who participated in the hearing process, you may 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 #21-054 for the requested carport plus the change of use to allow the conversion of the top floor of the garage to an accessory dwelling at the Contrada residential property located at 1226 Bliss 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

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

September 20, 2021

David Contrada
1226 Bliss Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-054

Dear Mr. Contrada:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your request for a dimensional setback variance to allow construction of a carport extension to the existing garage at your 1226 Bliss Road property as presented in amended application #21-054.

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 #21-054 for the requested carport plus the change of use to allow the conversion of the top floor of the garage to an accessory dwelling at your residential property located at 1226 Bliss Road. Please let me know when the apartment conversion is complete. As previously noted, once the conversion is complete and the permit clears the appeal period I will issue an E911 address for the apartment.

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: David Contrada
 1226 Bliss Road
 Parcel # 05-085.000 Tax Map # 08-03-53.000

East Montpelier Zoning Application #21-054

INTRODUCTION & PROCEDURAL HISTORY

1. On August 19, 2021, David Contrada submitted an application with the Town of East Montpelier to change the use of the top, ground-level floor of the existing garage to create an 875 square foot East Montpelier Land Use & Development Regulations Section 4.2 accessory dwelling and to construct an attached 18' x 29' carport on his property located at 1226 Bliss Road.
2. The property in question lies in the Rural Residential/Agricultural District – Zone D, where the minimum front setback is 75 feet from Bliss Road centerline. The existing garage and the proposed carport are both well inside the front setback and as such the applicant is requesting an East Montpelier Land Use & Development Regulations Section 7.6 setback variance from the Development Review Board.
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. Applicant David Contrada and Zoning Administrator Bruce Johnson appeared and participated in the September 7, 2021 hearing. Abutting property owner Alice Angney submitted oral comments to ZA Johnson for presentation at the hearing. There was no additional public comment.
5. At the September 7, 2021 hearing, applicant David Contrada agreed to amend the application to remove the eave extension aspect of the carport and extending the carport length to 21 feet.
6. 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. Applicant requests to change the use of the top, roadside ground level, floor of the existing garage to an apartment and construct an 18' long by 29' wide carport off the north, car door side of the garage. The carport, as originally requested, will include an extended eave overhang roadside to allow for covered trash container storage.
2. The property is located in Zone D – the rural residential & agricultural district, where the front setback is 75 feet from the Bliss Road centerline. The developed area of the property, including (from south to north) the garage, house and pool, runs parallel to Bliss Road about 30 – 40 feet off centerline at nearest point of the structures, with the leading edge of the garage being 38'8" from centerline. The grade of the property falls off quickly east (away from the road) of the developed area. The house, garage and pool, constructed in the mid-1960s, are considered pre-existing, non-conforming structures due to incursions into the front setback. The proposed carport, as originally requested, will follow the line of the garage except for an added roof eave overhang which will extend an additional 3 feet further into the setback area.
3. The proposed garage change of use is subject to East Montpelier Land Use & Development Regulations Section 4.2, which sets out the rules for an accessory dwelling. The Zoning Administrator has responsibility for the determination of appropriateness for that aspect of the application, so the change of use is not a part of this decision beyond the fact that its existence drives the need for the carport.
4. Applicant intends to construct the carport as an extension of the garage, matching the roofline, with the exception of the elongated eave, and building material style. There will be a finished wall to the Bliss Road side, but the other two sides (not including the existing garage end) will be open. Board members were uncomfortable with the proposed eave extension. Applicant agreed to amend the application to remove this extension and add three feet to the length of the proposed carport, so the structure, at 21' long by 25' wide plus eaves, will exactly match the width and roofline of the garage.
5. The carport cannot be permitted under the Section 3.14 setback waiver provision as its proposed location requires more than a one-third decrease in the mandated front setback.

CONCLUSIONS

The standards for the issuance of a setback variance are set forth in Section 7.6 of the East Montpelier Land Use & Development Regulations. A variance from the zoning regulations can only be granted if the DRB determines that the proposal meets the five criteria set forth in state law (24 V.S.A. §4469(a)).

The DRB's consensus conclusions with respect to each criterion follow:

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

This criterion is met because the challenging terrain, which severely limits the potential locations of a carport, meets the requirement of unique physical circumstances or conditions.

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

This criterion is met due to the change of use of the existing garage to an accessory dwelling.

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

This criterion is met because the need for the variance was not created by the applicant.

Criterion 4: *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, or be detrimental to the public welfare.*

This criterion is met because the structure will not alter the character of the neighborhood.

Criterion 5: *The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.*

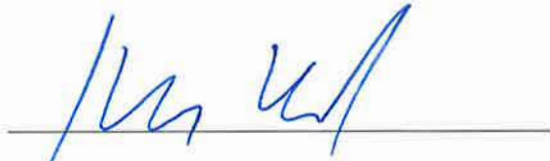
This criterion is met because the requested variance for the carport application as amended represents the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

DECISION

By unanimous vote, the DRB approves a Section 7.6 setback variance to allow the construction of the 21' x 25' carport as requested in amended Zoning Application #21-054.

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.

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 # 21-054
Zoning District D
Overlays WR

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

Date Received: 8/19/21
Parcel # 05-085.000
Tax Map # 08-03-53.000

- *****
- A. 1. Name of Landowner David Contrada Phone No. 595-0524
2. Address of Landowner 1226 Bliss 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):

- To: For:
- | | |
|--|---|
| <input type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling |
| <input checked="" type="checkbox"/> Alter | <input checked="" type="checkbox"/> Accessory Structure |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial |
| <input checked="" type="checkbox"/> Change use | <input type="checkbox"/> Industrial |

- For:
- | |
|--|
| <input type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Landfilling |
| <input type="checkbox"/> Other |

*Amended at hearing 9/7
25' wide w/ existing
eave length
+ 21'*

Describe work to be performed Two Steps:

- 1) Change USE: Turn top floor of garage into apartment (875 sqft)
2) Alter: Add attached carport to North side of structure where there
already exists driveway and parking
Please see attached Narrative for greater detail into 1) + 2).

C. Lot description:

- | | |
|---|--|
| 1. acreage <u>7.0</u> | 4. depth side yards <u>~120'</u> Ft. <u>~400'</u> Ft.
(building to lot lines) <u>5</u> <u>2</u> |
| 2. road frontage <u>615'</u> Ft. | |
| 3. depth front yard <u>38'8"</u> Ft.
(Road centerline to building) <u>38'8" as amended</u> | 5. depth rear yard <u>~430'</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 [Signature] Date 8/18/2021
Applicant _____ Date _____

Zoning Permit Fee: \$ 275.00 Cash _____ Check #414 Date 8/19/21 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

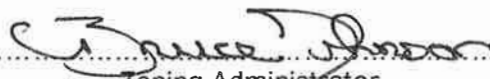
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 21-054 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 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.

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.

David and Amelia Contrada
1226 Bliss Rd
East Montpelier, VT 05651
802-595-0524

Development Review Board
East Montpelier Municipal Office Building
Address: 40 Kelton Road
Mailing: PO Box 157
East Montpelier, VT 05651

August 18th 2021

RE: Zoning Permit Application

Dear Members of the Development Review Board (DRB),

Attached with this narrative is a formal application for an Accessory Structure with two changes:

1. Change use (of garage top floor);
2. Alter (by adding attached carport).

This document is provided as a “narrative” to explain the application in greater detail.

1. Change use of garage top floor (See Attachment 1). Upon purchasing 1226 Bliss Rd in the summer of 2019, there has been a 2-story garage that has always had heat (propane) and electric. In the fall of 2020 we received a permit from the State of Vermont to upgrade the entire septic system for the house, which was the original septic system to the property, and was “failing” (but not backing up into the house) since our purchase. Included within that State Permit for the whole house septic system was the additional septic hookup for a 2 bedroom, 1 bath apartment on the first floor of the garage (not the basement floor of garage.)

The application currently being submitted to East Montpelier DRB is for this apartment to become official. The top floor is 875 sqft and we imagine this to be something like “apartment B” at 1226 Bliss Rd. The top floor currently has heat, electric, insulation, and hookups for water and septic. We have included drawings of current interior walls inside the first floor, and where the kitchen will eventually be. There will be an open concept living room with the bedroom defined slightly by the mudroom wall. The basement floor of the garage will not be converted to the apartment but is constructed with a full concrete foundation.

2. Alter the current garage by adding attached carport (See Attachment 2). We are applying to build a carport that is attached to, and off the north side of, the current garage toward the exiting main house, and where there is already a driveway. The carport will have a roof that is connected to the current structure roof. The roof of the carport will have the same pitch as, and be a continuation of, the garage roof. We will add 35-year architectural shingles to the carport roof, and replace the shingles on the current garage roof to maintain current aesthetic

standards. The western (road side) of the carport will have a wall with the same shiplap siding so that the road side of the garage and carport will have one connected wall that maintains the current aesthetic standards.

The current garage has an eve of 1ft 4 inches off the side of the garage. We propose to increase the length of the road side eve (only) of the carport to include a safe overhang for our trash cans (hopefully keeping them secure from weather, bears and other critters :). Here are the details:

A) The western, roadside wall of the garage is currently 40ft from the centerline of Bliss Rd.

B) The wall of the carport will continue from the current garage, look the same as the current garage, and will maintain current aesthetics.

C) The current eves of the garage are 16 inches and 38ft 8 inches from the centerline of Bliss Rd.

D) We propose adding an additional 3ft to the overhang (for a total eve off the carport of 4ft 4inches total.) The road side eve of the carport would then be 35ft 8 inches off the centerline of the road. We will maintain all current aesthetics.

**We propose the additional overhang to secure trash cans from bears and weather. We sincerely hope this aspect of the design is approved but understand that this very design consideration is what triggered DRB review. Please consider this application both with and without the trashcan overhang of the eve. However, we would like to stress that the Carport and small storage overhang is a critical design aspect to the project and to changing the use status of the garage to an apartment.

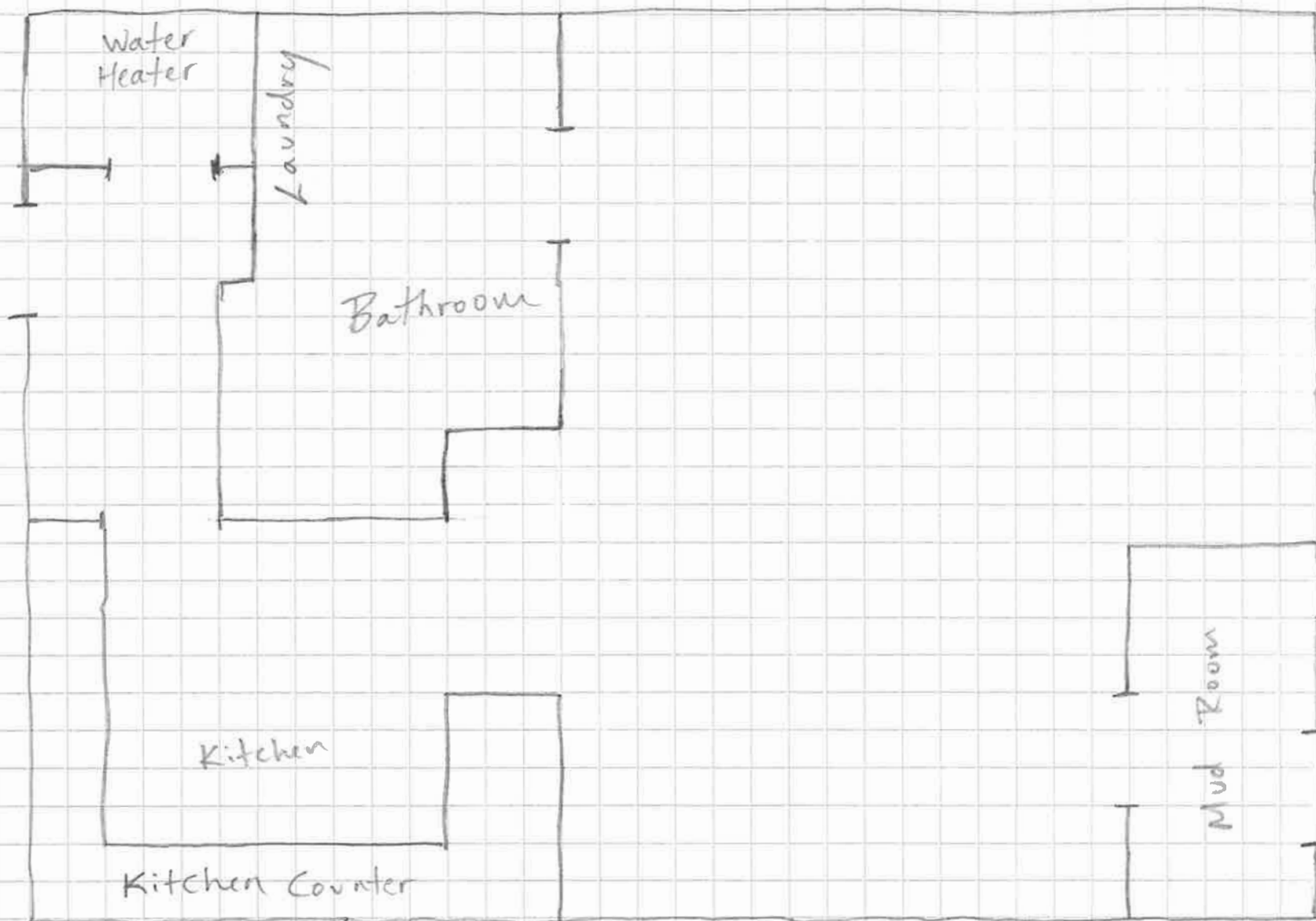
Thank you very much for your consideration,

Dave and Amelia Contrada

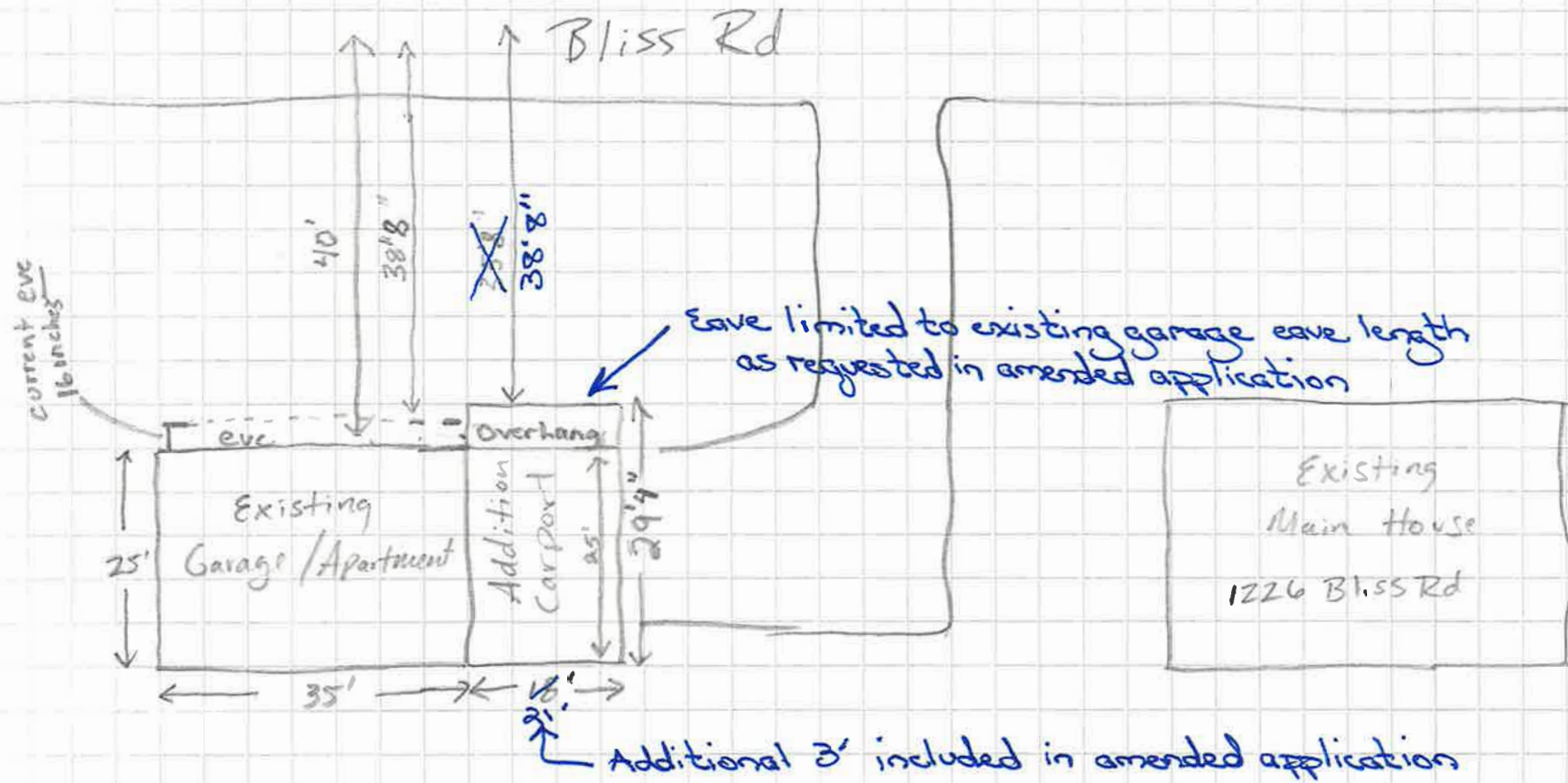
See application
as amended

Floor Plan
Garage 2nd floor

7



Existing
main House →



Carport addition continues 4'/12' pitch roof.

Replace Asphalt shingles - entire building



East Montpelier, VT

1 inch = 815 Feet

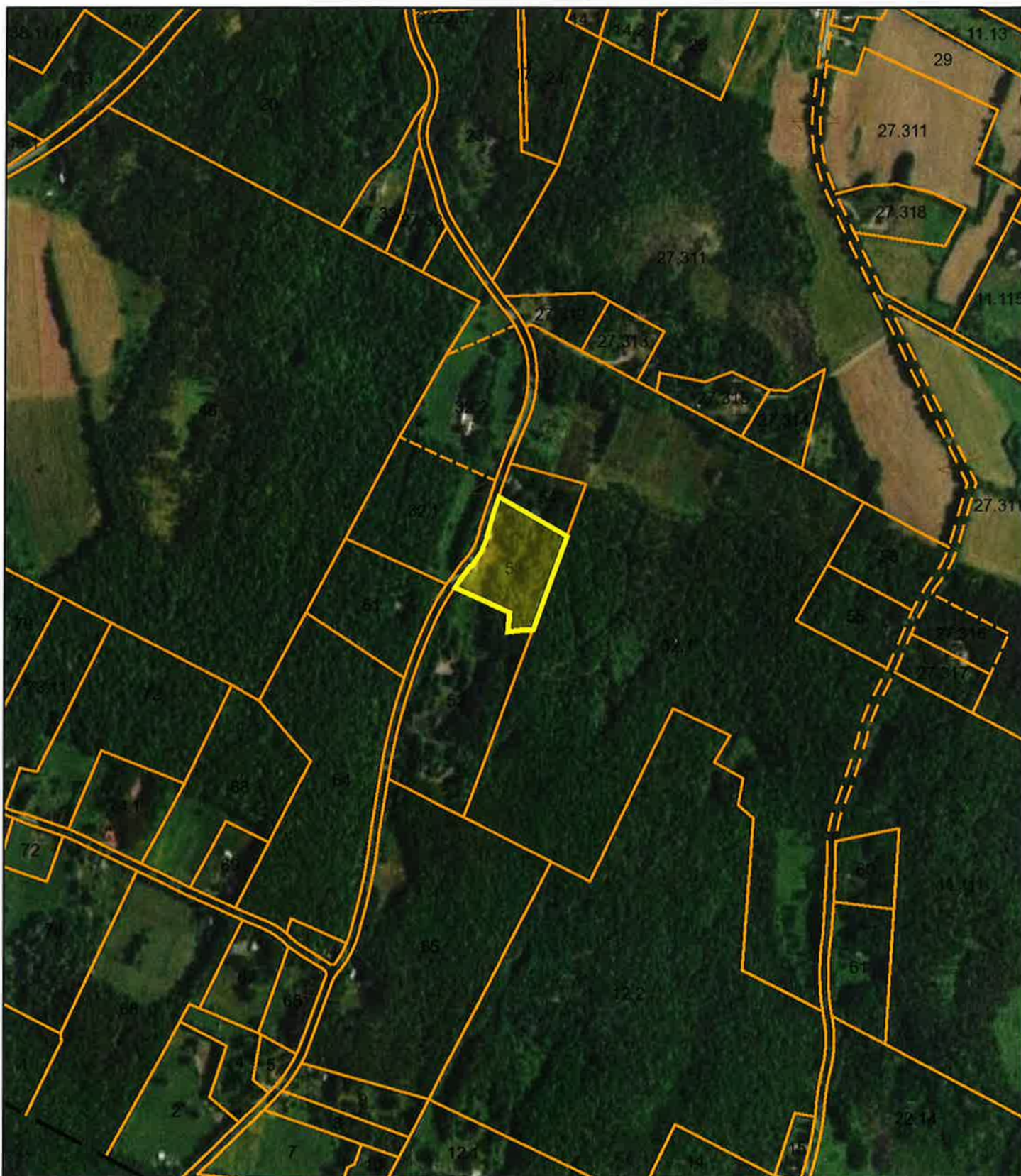
August 20, 2021

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