

# TOWN OF DUMMERSTON

## Development Review Board

### Application for Waiver; Addition to Accessory Structure and Site Plan Review Findings and Decision

**Permit Application Number: 3690**

**Date Received: June 1, 2022**

**Applicant: Christine M. Duke & Dean Tkaczyk**

**Mailing Address: 1599 West River Rd., Dummerston, VT 05301.**

**Location of Property: Parcel 750, 1599 West River Rd., Dummerston, VT**

**Owner of Record: Christine M. Duke & Dean Tkaczyk**

**Application: Waiver; Addition to Accessory Structure and Site Plan Review**

**Date of Hearing: July 19, 2022**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Waiver; Addition to Accessory Structure and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 256, 720-728, at parcel #000750.
2. On July 5, 2022, notice of a public hearing was published in The Commons.
3. On June 29, 2022, notice of a public hearing was posted at the following places:
  - The Dummerston Town Office.
  - The West Dummerston Post Office.
  - The Dummerston School.
4. On July 3, 2022, notice of a public hearing was posted at the following place: 1599 West River Rd., Dummerston, VT, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
5. On June 29, 2022, a copy of the notice of a public hearing was emailed to the applicant.
6. On June 29, 2022, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - a. Todd & Christy Jackson, 1605 West River Rd, Dummerston, VT 05301
  - b. Gangloff Roy C & Collette M, PO Box 77, W Dummerston, VT 05357
7. The application was considered by the Development Review Board (DRB) at a public hearing on July 19, 2022.

8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
9. Present at the hearing were the following:
  - a. Members of the Development Review Board:  
Natalie Pelham-Starkey, Alan McBean, Cami Elliott, Chad Farnum.
  - b. Others:  
Christine M. Duke & Dean Tkaczykl (applicants), Roger Jasaitis (ZA).
10. A site visit was conducted on July 19, 2022.
11. Present at the site visit were the following:
  - a. Members of the Development Review Board:  
Cami Elliott, Chad Farnum, Natalie Pelham-Starkey.
  - b. Others:  
Christine M. Duke & Dean Tkaczykl (applicants), Roger Jasaitis (ZA).
12. During the course of the hearing the following exhibits were submitted to the DRB:
  - a. Application for Zoning Permit, # 3690.
  - b. Application to the Development Review Board, # 3690.

## **FINDINGS OF FACT**

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The Applicants seek a Waiver to setback for an addition to Accessory Structure and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 256, 720-728, at parcel #000750.
2. The subject property is 1.2 acres, located at 1599 West River Rd., in the Town of Dummerston (tax map parcel no. 000750). The property is more fully described in a Deed recorded at Book 127, Page 551-552, in the Town of Dummerston Land Records.
3. The property is located in the Residential District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 225 of the Zoning Bylaw.
4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: 256, 720-728.
5. Applicants offered a general overview of the application.
6. Applicant Dean: Would like to put a lean-to shed structure, 12x20', off the north side of their house/garage as a carport for their vehicle. Extra space is needed for regular use of the garage.
7. They request a 17.5 foot waiver to setback from the adjoining property.
8. This Waiver would allow the addition to the structure to be 22.5 feet from the property line.
9. Alan Mc Bean asks applicants when the house was built, including the garage.
10. Applicants: They are sure it was built before 2014.

11. Alan Mc Bean states; being that the structure was built before 2014, this structure would meet the criteria under Section 255 Non-conforming use or structure, (2), and therefore doesn't require a Waiver from the DRB. The ZA may issue a Zoning Permit under this provision of the Bylaw.

## DECISION AND CONDITIONS

The Development Review Board (DRB) finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and therefore deems that no action is required by the DRB.

1. The DRB finds that the application meets the requirements of **Section 255 Non-conforming use or structure, (2):**  
**"2. In the case of a one (1) or two (2) family dwelling, buildings existing at the time of adoption of this bylaw (February 2014) may be added to in any direction up to thirty (30) feet from the public road center and up to ten (10) feet from any property line, with a zoning permit approved by the Administrative Officer"**
2. Being the proposed addition will be 22.5 feet from the adjoining property the DRB finds that no Waiver is required for the Addition to Accessory Structure (Garage).
3. A Zoning Permit issued by the Administrative Officer will be sufficient to meet the requirements of the Bylaw.

**The following members of the Dummerston Development Review Board participated and concurred in this decision:** Chad Farnum, Natalie Pelham-Starkey, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 8 day of August, 2022.

  
Signed for the Dummerston Development Review Board

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.