

**TOWN OF DUMMERSTON
DEVELOPMENT REVIEW BOARD
LAND USE DECISION
DRAFT EDITION**

Applicant: Edward and Jane Sbardella
Mailing Address: 159 Beaver Pond Road, Dummerston, VT 05301
Location of Property: 159 Beaver Pond Road, Dummerston, VT
Application: Variance application requesting relief of 4 feet of the required 40-foot side-yard setback to allow a residential addition
Re: Application for Zoning Permit #3171

The matter came before a duly warned public hearing of the Dummerston Development Review Board (DRB) held on November 18, 2008, at the Town Office, Dummerston Center, Vermont.

Present and participating were the following members of the Development Review Board: Cynthia Wilcox, Patricia Jaquith, and Lew Sorenson; seated as voting members, were alternates Rick Sullivan and John Warren. Also present were Ed Sbardella, Applicant, Nathan Olmstead, who also lives at the subject property; Herb Rest abutter; and Paul Normandeau.

The public hearing was adjourned following testimony of the applicant. Following the public meeting, deliberations and motions of the Development Review Board took place.

FINDINGS OF FACT

The Board finds as follows:

1. The applicants propose the construction of a 24' by 32' addition to include cellar, bedroom, sitting room, bathroom, and kitchen facility on the northeast side of the present structure.
2. The applicants filed the Zoning Permit on October 22, 2008.
3. The Zoning Administrator denied the application for permit #3171 on October 22, 2008, after finding that the owner needed a variance under Section 220 of the Town of Dummerston Zoning Ordinance.
4. The Dummerston Development Review Board held a site visit on the property on November 18, 2008, at 4:00 p.m.
5. The property is located in a Rural Residential District. Section 220 of the Zoning Bylaw requires a 40 foot side-yard setback, thus the development cannot proceed as proposed unless a Variance is granted.

6. The Board recognizes that the house was sited on this wedge-shaped parcel at an angle such that the setback from the northern boundary decreases from the front to back of the house. Extending the building 32 feet in the back results in the rear corner being $\pm 36'$ from the northern boundary.

7. The Board finds that the construction of a “mother-in-law apartment” converting the existing building to a two-family dwelling is a permitted use in this district. The construction will add no additional bedrooms as a room in the basement, currently used as a bedroom, will be returned to storage or family space.

8. Based on the applicants’ testimony, the Board finds that the septic system components have been inspected and determined to be adequate for the proposed changes.

9. The Board finds that the addition to the existing structure will have no adverse effect or alteration to the existing character of the neighborhood. It will not be visible from the road, nor from any present neighbor.

10. The Board finds that attaching the addition to the structure in the manner applied for best reflects the property, given the placement of septic system, placement of windows in the current structure, and the unique angling of the structure in relation to the boundary.

11. The posting requirements for notices to abutters were delivered by the applicant. Herb Rest, who owns property abutting the boundary in question, was present at the hearing and testified that he has no objection to the proposed construction.

CONCLUSIONS OF LAW AND DECISION

The Board finds that the proposed use shall meet the Specific Standards outlined in Section 728 Variances and the Vermont Statute 24 VSA 4464. The Variance is approved as requested.

The following members of the Dummerston Development Review Board participated and concur in this decision. The Decision is subject to appeal as provided by Vermont statute.

Pat Jaquith, Lew Sorenson, Cynthia Wilcox, John Warren, and Rick Sullivan

Dated: November 19, 2008

DUMMERSTON DEVELOPMENT REVIEW BOARD

Patricia R. Jaquith
On behalf of the Board

EXHIBITS:

1. Application for Zoning Permit #3171
2. DRB Conditional Use Permit and Site Plan Review application
3. Newspaper Public Hearing Legal Notice
4. Applicants' Posting and Adjoining Property Owner Notice Certification
5. DRB Attendance Sign-in Sheet
6. Interested Persons Record and Service List