

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

Applicant: Jerry and Carol Kocher
Mailing Address: P.O. Box 1487, West Dover, VT 05356
Location of Property: 472 Kipling Road, Dummerston, VT
Application: Variance application requesting relief of 8.5 feet of the required 40-foot side-yard setback to allow a residential addition
Re: Application for Zoning Permit #3178

The matter came before a duly warned public hearing of the Dummerston Development Review Board (DRB) held on April 21, 2009, at the Town Office, Dummerston Center, Vermont.

Present and participating were the following members of the Development Review Board: Cynthia Wilcox, Lew Sorenson, Regina Rockefeller, Patricia Jaquith; seated as voting member was alternate John Warren. Also present: Jerry and Carol Kocher, applicants; Charlotte Neer Annis, Zoning Administrator; William Boggess, and Nancy Page.

The public hearing was adjourned following testimony of the applicants. 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 436 square foot addition to an existing single-story, single family dwelling with walk-out basement. The 15' addition to the north end of the house will match the existing structure's width and roof line and provide space for 2 bedrooms. A 4'2"-wide deck will run the length of the house on the eastern side and wrap approximately 5' on the northern side at the base of the main level.
2. The applicants filed the Zoning Permit on March 10, 2009.
3. The Zoning Administrator denied the application for permit #3178 on March 10, 2009, after finding the owners needed a variance under section 220 of the Town of Dummerston Zoning Ordinance.
4. The Dummerston Development Review Board conducted a site visit on the property on April 21, 2009, at 6:30 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 narrow parcel at an angle such that the setback from the northern boundary decreases from the front to the back of the house. Extending the building 15 feet to the north leaves a side yard set-back which tapers from 40' at the front to $\pm 36'$ at the back; adding the 4'2" deck results in the rear corner being $\pm 31.5'$ from the side yard boundary.

7. The posting requirements for notices to abutters were delivered by the applicant. No objections were received before the hearing, and no abutters were present at the hearing.

CONCLUSIONS OF LAW AND DECISION

The Board finds the narrow, sloping lot limits the possibilities for development of the parcel.

The Board finds that extending the length of the structure will have no adverse effect or alteration to the existing character of the neighborhood.

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 statutes.

**Lew Sorenson, Cynthia Wilcox, Regina Rockefeller,
Patricia Jaquith, John Warren**

Dated: April 22, 2009

DUMMERSTON DEVELOPMENT REVIEW BOARD

**Patricia R. Jaquith
On behalf of the Board**

EXHIBITS

- 1. Zoning Permit Application #3178 and Site Plan**
- 2. DRB Application and any Attachments**
- 3. Newspaper Legal Notice**
- 4. Applicant's Public Notice Certification**
- 5. Applicant's written statement dated 4/08/09**
- 6. DRB Attendance Sign-in Sheet**
- 7. Interested Persons Record and Services List**