

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

**Applicant:** William R. Menezes

**Mailing Address and  
Location of Property:** 237 Camp Arden Road, Dummerston, VT 05301

**Application:** Variance application to construct an approximately 80 square foot addition to an existing room.  
Requesting relief for a 27 foot variance of the side yard setback.

**Re:** Application for Zoning Permit #3187

The matter came before a duly warned public hearing of the Dummerston Development Review Board (DRB) held on May 19, 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, Herbert Rest; . Also present: John Warren, alternate, Rick Sullivan,alternate, Charlotte Neer Annis, Zoning Administrator; William R. Menezes, applicant. 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 applicant proposed the construction of an approximately 80 square foot expansion to a current approximately 800 square foot structure. The new construction will expand the footprint and non compliance of the pre zoning non compliant structure in relation to front and side yard setbacks. The proposed sideyard setback will be 27 feet and the front under 50.
2. The applicant filed the Zoning Permit on April 27, 2009.
3. The Zoning Administrator denied the application for permit #3187 on April 27, 2009, after finding the owner 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 May 19, 2009 at 6:00 p.m.

**5. The property is located in a Rural Residential District. Section 220 of the Zoning Bylaw requires a 50 foot building (front) yard setback and a 40 foot side yard setback. Thus, the development cannot proceed as proposed unless a variance is granted.**

**6. The applicant testified that the construction will be an extension of 4 feet to the north wall of the existing structure and be no closer to the side property line than the present 27 foot setback. The construction will extend the North wall and will add 2 feet to the rear (West) of the building for a distance of 12 feet and not add to the current front setback non compliance.**

**7. The addition will continue the current roofline and extend over the 2 X 12 foot rear building expansion.**

**8. The current structure is non conforming and located on a non conforming property, both predating zoning requirements. The current structure has a 17 foot front (East) setback and a 27 foot North side setback. The rear yard enters the flood plain of the West River and is the location of the septic tank and leach field. Similar expansion to the south side of the building would require a front yard setback variance and would be functionally inefficient. Further, South or rear location for expansion would require alterations in rooflines.**

**9. The property size, the current structure location and the existing setback nonconformities provide no possibility of conforming structure enlargement. The Board finds that the proposed expansion is the minimum change that will afford relief and that the Variance of a 27 foot sideyard setback beginning at the rear of the present north wall of the structure and will not adversely affect the character of the neighborhood.**

**10. The posting requirements for notices to abutters were delivered by the applicant. No objections were received before the hearing 10. No abutters were present at the hearing.**

## **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.**

**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, Herbert Rest**

**Dated: May 23, 2009**

**DUMMERSTON DEVELOPMENT REVIEW BOARD**

---

**Herbert F. Rest**  
**On behalf of the Board**

## **EXHIBITS**

- 1. Zoning Permit Application #3179 and Site Plan**
- 2. DRB Application and any Attachments**
- 3. Newspaper Legal Notice**
- 4. Applicant's Public Notice Certification**
- 5. Letter from Eric Davis on behalf of the Katherine LaPalme Property Trust**
- 6. DRB Attendance Sign-in Sheet**
- 7. Interested Persons Record and Services List**