

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Kelly Wicker
Mailing Address: 200 West Street, West Dummerston, VT
Location of Property: Parcel # 504.1, 200 West Street, Dummerston, VT
Owner of Record: Kelly Wicker
Application: Conditional Use Permit to change use of portion of building from residential to home business/part-time private mental health practice

Permit Application No. 3356

Date Sent: April 4, 2014

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Kelly Wicker under the Town of Dummerston Zoning Bylaw.
2. The application was received on January 14, 2014.
3. On January 25, 2014, notice of a public hearing was published at the municipal clerk's office.
5. Notice of a public hearing was mailed to the applicant and the following abutters:
 - Carrie Towle 184 West Street, West.Dummerston, VT 05301
 - Lisa Blake PO Box 41, West Dummerston, VT 05357
 - Virginia Carter PO Box 474, West Dummerston, VT 05357
 - Harold and Jean Newell 210 West Street, West.Dummerston, VT 05301
 - Liz Davis PO Box 38, West Dummerston, VT 05357
 - Gurudharm Khalsa PO Box 506, West Dummerston, VT 05357
6. The application was considered by the development review board at a public hearing on February 18, 2014. The development review board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended January 23, 2013.

7. Present at the hearing were the following members of the development review board
 - Sam Griffis (Acting Chair)
 - Stephen Jarosak
 - Alan McBean
8. Present at the hearing were the following persons:
 - Charlotte Neer Annis (Dummerston Zoning Administrator)
 - Kelly Wicker via speaker phone
9. During the course of the hearing the following exhibits were submitted to the development review board:
 - A. DRB Letter dated 1/10/2014
 - B. Zoning Permit Application, Permit # 3356, dated 1/14/2014 with attached detail sheet:
 - C. Copy of “Town of Dummerston DRB List of Adjoining Property Owners” for application # 3356
 - D. Town of Dummerston “Development Review Board - Attendance Sign-In” dated 2/18/2014

FINDINGS

Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:

1. The applicant seeks a conditional use to change the use of a portion of 200 West Street to a part-time private mental health practice. The subject property is a 1.1± acre parcel located at 200 West Street, West Dummerston, (tax map parcel no. 504.1).
2. The property is located in a Village District as described on the Town of Dummerston Zoning Map.
3. Conditional use approval is requested for the project as a home business as that term is defined in section 235 of the Zoning Bylaw.
4. The proposed conditional use will have a minimal impact if any to the existing site conditions.
8. There will be minimal vehicular traffic load added to the site after the building use has changed. Kelly Wicker estimates that there will be approximately 6 to 8 patients per week, not more than 10.
9. Existing site lighting will not be altered, nor will there be any signage.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the development review board grants the application for the change of use subject property from all residential to having a part-time home business on the premises.

As conditioned, the proposed development meets the requirements of Sections 225 and 245 of the Zoning Bylaw. All setbacks; building area, dimensional, and coverage requirements are met. The DRB agrees that there will be a minimal if any impact to the site, vehicular traffic and surroundings upon granting this conditional use change.

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.

Sam Griffis (Acting Chair), Stephen Jarosak, and Alan McBean

Sam Griffis for the Dummerston DRB