

# **Application for Waiver Review**

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## **Town of Dummerston**

### **Development Review Board**

#### **Application for Waiver to Setback Requirements Findings and Decision**

**Applicant:** Doug Morton  
**Mailing Address:** 398 East West Road, E. Dummerston, VT 05346  
**Location of Property:** Parcel # 000757 398 East West Road, E. Dummerston, VT  
**Owner of Record:** Douglas and Tammy Morton  
**Application:** Waiver to setback requirements to build porch at 398 East West Road, E. Dummerston, Vt, a Residential District

#### **Introduction and Procedural History**

1. This proceeding involves review of an application for a waiver to setback requirements to build a porch under the Town of Dummerston Zoning Bylaw.
2. The application was received June 28, 2017.
3. A notice of public hearing was posted at the municipal clerk's office on 9/12/17, at the West Dummerston Post Office on 9/12/17 and at the Dummerston School on 9/12/17.
4. Notice of public hearing was mailed to the abutters on 8/30/17.
5. A site visit was conducted on 9/19/17.
6. The application was considered by the Development Review Board at a public hearing on September 19, 2017.
7. Present at the hearing were the following members of the DRB
  - Alan McBean, Chair
  - Patty Walior
  - Dennis Mewes
  - Chad Farnum
  - Cami Elliott

8. Present at the hearing were the following persons  
Roger Jasaitis, Zoning Administrator  
Bob Simeon  
Tammy Morton  
Douglas Morton  
Jean Newell

During the course of the hearing the following exhibits were submitted to the DRB.

- A. Zoning Permit Application #3449 with site plan and Zoning Administrator's denial.
- B. DRB variance application with site plan.
- C. Applicant's Certification of Notice.

## **FINDINGS**

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

The applicant seeks a waiver to setback requirements to build a porch under the Town of Dummerston Zoning Bylaw.

The porch will be attached to a preexisting nonconforming structure that does not meet the setback requirements.

The structure will be a 7' x 5" x 21' x 6" open structure with cover (roof) to match existing structure.

The structure does not increase the degree of non-conformity of the existing structure. It will be no closer to the road than the existing structure.

The structure will be used for shade, sitting and aesthetic improvement.

The structure will have no negative effect on traffic, nor negative effect on the residential area.

## **DECISION AND DISCUSSION**

Based on these findings and subject to the conditions set forth below, the DRB grants the application for a waiver to setback requirements Town of Dummerston Zoning Bylaw 615, 616 for the construction of a front porch.

The proposed structure is to be designed in such a way as to prevent erosion of the shoulder of the highway so as to meet the requirements of Section 640 of Dummerston Bylaw.

The building shall conform to the site plan submitted 6/28/17.

It is the applicant's responsibility to obtain and be in compliance with all State issued permits at all times.

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.

Development Review Board members:

Alan McBean, Patty Walior, Dennis Mewes, Chad Farnum, Cami Elliott

Dated: October 11, 2017

DUMMERSTON DEVELOPMENT REVIEW BOARD

A handwritten signature in cursive script that reads "Cami Elliott". The signature is written in black ink and is positioned above a horizontal line.

Cami Elliott  
For the Board