

Application for a Zoning Waiver

TOWN OF DUMMERSTON

Development Review Board

Application for a Zoning Waiver Findings and Decision

Applicant: Gurudharm Khalsa & Catherine O'Callahan
Mailing Address: P.O Box 521 W. Dummerston, VT 05357
Location of Property: Parcel 508 25 Lyons St W. Dummerston, VT
Owner of Record: Gurudharm Khalsa
Application: Zoning Waiver to allow for construction of an enclosed screen room and size reduction modifications to an existing deck.

Permit Application No. 3530

Date Received: 10/2/18

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Zoning Waiver submitted by Gurudharm Khalsa and Catherine O'Callahan under the Town of Dummerston Zoning Bylaw.
2. The application was received on October 2, 2018
3. On October 23, 2018 notice of a public hearing was published at the municipal clerk's office, post office and school
4. Notice of a public hearing was mailed to the applicant and the following abutters of Gurudharm Khalsa 25 Lyons St W. Dummerston, VT
 - Lisa Blake P.O. Box 41 W. Dummerston VT 05357
 - Alexander & Karin Blakeson P.O. Box 37 W. Dummerston VT 05357
 - Virginia Carter P.O. Box16 Townsend VT 05353
 - Town Of Dummerston Selectboard
 - Mace & Kelly Wicker 200 West St Dummerston VT 05301
5. A site visit was made to 25 Lyons St W. Dummerston on November 13th at 6:15 pm.

6. The application was considered by the Development Review Board at a public hearing on November 13, 2018. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended March 28, 2018.
7. Present at the hearing were the following members of the Development Review Board
 - Alan McBean, Chair
 - Cami Elliott
 - Patty Walior
 - Sam Griffis
 - Jen Sargent
 - Chad Farnum
8. Present at the hearing were the following persons:
 - Roger Jasaitis, Zoning Administrator
 - Gurudharm Khalsa - Applicant
 - Catherine O'Callaghana - Applicant
9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - A. Applicant Certification of Notice.
 - B. DRB Hearing Checklist.
 - C. Town of Dummerston "Development Review Board - Attendance Sign-In" dated 9/19/2017.
 - D. Permit Application # 3530 received October 2, 2018
 - E. Email letter of support from Lisa Blake dated November 4, 2018

FINDINGS OF FACT

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a zoning waiver to construct an enclosed screen room and size reduction modifications to an existing deck.
2. Reduction of the overall deck size will result in a greater setback distance.
3. The dwelling is a permitted structure and is in compliance with State Water and Wastewater rules.
4. The dwelling is a permitted structure located in a Settlement Area (SA)

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for a zoning waiver to allow for the construction of an enclosed screen porch and modifications to the existing deck described above. The review board determined the application meets the requirements of sections 257 and 256 #3 listed below.

- A- Waiver is helpful or necessary to allow for reasonable use of the property
- B- The reduction of the deck size will increase the setback dimensions slightly
- C- No adverse effects were determined
- D- The deck was existing when the property was purchased by the applicant
- E- The proposed project will still conform to the Town Plan
- F- The proposed project will still conform to the purpose of a SA zoning district
- G- The proposed project will not have an undue adverse effect on the following
 1. Surrounding properties and property values
 2. The character and aesthetics of the neighborhood
 3. Traffic patterns and circulation
 4. Public health, safety, and utility services
 5. Stormwater management
 6. Water and wastewater capacity

Waiver approvals shall expire by limitation if work is not completed within two years from the date they are approved.

It is the Applicant's responsibility to be in compliance with any 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. Alan McBean, Cami Elliott, Patty Walior, Sam Griffis, Jen Sargent and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Chad Farnum

Dated: December 11, 2018