

Application for a Zoning Waiver

TOWN OF DUMMERSTON

Development Review Board

Application for a Zoning Waiver Findings and Decision

Applicant: Jason P Doubleday
Mailing Address: 470 Rice Farm RD. Dummerston, VT 05301
Location of Property: Parcel #738, 470 Rice Farm RD Dummerston, VT
Owner of Record: Jason P Doubleday
Application: Zoning Waiver to allow for construction of an accessory structure within setback requirements.

Permit Application No. 3534

Date Received: 12/13/18

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Zoning Waiver submitted by Jason P Doubleday under the Town of Dummerston Zoning Bylaw.
2. The application was received on December 13, 2018
3. On January 9, 2019 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 on December 26th 2018 to the applicant and the following abutters of Jason P Doubleday, 470 Rice Farm RD Dummerston, VT.
 - Richard Epstein, 117 Howland RD Dummerston VT 05301
 - James & Ann Leacock, P.O Box 43 W. Dummerston VT 05357
 - Frederic Contino & Brianna Wright 496 Rice Farm RD Dummerston VT 05301
 - Erika Stahl, 200 W 109 St Apt D5 New York, NY 10025
5. A site visit was made to 470 Rice Farm RD Dummerston on January 12th at 10:15 am.

6. The application was considered by the Development Review Board at a public hearing on January 15th, 2019. 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
 - Dennis Mewes
8. Present at the hearing were the following persons:
 - Roger Jasaitis, Zoning Administrator
 - Jason P Doubleday - Applicant
 - Richard Epstein- Abutter
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 1/15/19
 - D. Permit Application # 3534 received December 13, 2018
 - E. Town aerial zoning map
 - F. Lot map drawn by applicant

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 a workshop within the 40’ setback requirements
2. The applicant owns the adjoining lot that requires the waiver to build within the 40’ setback requirements.
3. The workshop will have no running water
4. The existing dwelling on the lot is a permitted structure and is in compliance with State Water and Wastewater rules.
5. The existing dwelling is a permitted structure located in a Rural Residential (RR) zone

6. The existing accessory structure on the lot straddles the property line with the abutting lot. The structure is permitted due to Zoning Administrator error and the State 15- year statute of limitations for zoning violations [§4454]
7. The site visit measurement of the proposed structure to the property line is 20'

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board denies the application for a zoning waiver to allow for the construction of a 22'x30' accessory structure. The review board determined the application does not meet the requirements of sections 257 and 256 #3 listed below.

- A- Waiver is not necessary to allow for reasonable use of the property
- B- There is enough room on the lot to position the proposed structure within setback requirements under section 616 Exemptions to Setback Requirements for small lots; which would require only a 24' setback due to the lot not conforming to the 2-acre minimum.
- D- The need for the waiver was not created by past decisions of the applicant. It was determined the applicant could combine both lots or move the boundary line which would negate the need for this waiver.

All previous permits are still in effect.

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, Dennis Mewes and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Dated: January 24, 2019