

Application for a Zoning Waiver

TOWN OF DUMMERSTON

Development Review Board

Application for a Zoning Waiver Findings and Decision

Applicant: EZ Moo Acres Mike Barrett
Mailing Address: 2905 S. Diamond St Santa Ana, CA 92704
Location of Property: Parcel 824.1 281 Dummerston Station Rd
Dummerston, VT
Owner of Record: Mike Barrett
Application: Zoning Waiver to setback requirements from existing structures to
facilitate land division

Permit Application No. LD389

Date Received: 11/02/2020

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Zoning Waiver submitted by EZ Moo Acres / Mike Barrett under the Town of Dummerston Zoning Bylaw.
2. The application was received on Nov. 2, 2020.
3. On Nov. 4, 2020 notice of a public hearing was published at the municipal clerk's office, and post office.
4. Notice of a public hearing was mailed to the applicant and the following abutters of EZ Moo Acres/ Mike Barrett Dummerston Station Rd Dummerston, VT
 - Bell, Graham Edward 63 Winter Bell Dr Dummerston VT 05346
 - Brooks, Juanita L 294 Dummerston Station Rd Dummerston VT 05346
 - Derrig, Ellis & Rosalie. Trustee 41 Houghton Brook Rd Putney VT 05346
 - Etzweiler, Robert & Natasha 210 Dummerston Station Rd Dummerston VT 05346.
 - Gabriel, Kelly 256 Dummerston Station Rd Dummerston VT 05346.
 - Kaiser, Alonzo & Karen 220 Dummerston Station Rd Dummerston VT 05346.
 - Lahey, Shaun & Katie 290 Dummerston Station Rd Dummerston VT 05346.
 - Manix, Frances 61 Jones Rd Putney VT 05346
 - Ortlieb, William 230 N. tatge Bartlett, IL 60103

5. A site visit was made to 281 Dummerston Station Rd Dummerston on November 14, 2020 at 9:30 am.

6. The application was considered by the Development Review Board at a public hearing via Zoom meeting on November 17, 2020 The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019

7. Present at the hearing via Zoom meeting were the following members of the Development Review Board
 - Alan McBean, Chair
 - Cami Elliott
 - Patty Walior
 - Josh Pacheco
 - Chad Farnum

8. Present at the hearing via Zoom meeting were the following persons:
 - Roger Jasaitis, Zoning Administrator

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. Permit Application # LD389 dated Nov. 2, 2020

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 setback requirements from existing structures to new boundary lines to facilitate land division.
2. The applicant was not in attendance.

DECISION AND CONDITIONS

The applicant was not available during the public hearing therefore under Section 256 the applicant was not able to meet the burden of proof to demonstrate the waiver requested meets the Waiver Criteria as listed below.

Section 256 Wavier Criteria.

- 1) The waiver is helpful or necessary to allow for reasonable use of the property.
 - The applicant has not met the burden of proof that the waiver is necessary.
- 2) The waiver is the minimum reduction in the dimensional requirements that will enable the reasonable use of the property.
 - The applicant has not met the burden of proof.
- 3) Any adverse effects of the waiver are mitigated by design, screening, or other remedies.
 - The applicant has not met the burden of proof
- 4) The need for a waiver was not created by past decisions of the applicant.
 - The applicant has not met the burden of proof.
- 5) The proposed project will still conform to the Town Plan.
 - The applicant has not met the burden of proof.
- 6) The proposed project will still conform to the purpose of the zoning district (as stated in Sections 205-240 of these Bylaws) in which the land development is located.
 - The applicant has not met the burden of proof.
- 7) The proposed project will not have an undue adverse effect on the following:
 - a. Surrounding properties and property values
 - b. The character and aesthetics of the neighborhood
 - c. Traffic patterns and circulation
 - d. Public health, safety, and utility services
 - e. Stormwater managements
 - f. Water and wastewater capacity
 - The applicant has not met the burden of proof.

The DRB has denied this application.

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, Josh Pacheco and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Chad Farnum

Dated: 12/30/2020