



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3759-CU
Land Owner:	AnneMarie DeFreest
Applicant:	McCain Consulting, Inc.
Property Address:	664 Old County Rd.
Parcel Number:	12024.000 in Agricultural-Residential District
Meeting Date(s):	June 27, 2017
Proposal/Type:	Convert existing barn to accessory dwelling; construct addition to non-conforming structure. Less than 50% of total non-conforming volume is added to non-conforming area.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Waitsfield Town Plan, as adopted on October 22, 2012.
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
 - a. Table 2.07 Agricultural Residential District.
 - b. Section 3.03 Conversion & Change of Use.
 - c. Section 3.08 Non-Conforming Structures.
 - d. Section 4.01 Accessory Dwellings.
 - e. Section 5.03 Conditional Use.

B. MATERIALS SUBMITTED

On June 6, 2017, the applicant submitted a cover letter, zoning permit application, conditional use application, and proposed site plan for the addition.

C. FINDINGS OF FACT

1. The property is a 1.5 acre lot containing an existing single family dwelling, an attached pole barn, a pool, and a pump house. It is identified as parcel #12020.200 in the Agricultural-Residential Zoning District.
2. The applicant proposes to renovate the existing 800 square foot pole barn, construct a 484 square foot addition, and convert the entire 1,284 to an accessory dwelling (one bedroom).
3. The existing non-conforming area of the structure (encroaching on the side setback) is 612 square feet. The proposed expansion within the setback area is 270 square feet (or

44% of the existing non-conforming area). The proposed addition complies with Section 3.08(A)(3)(a) because it increases the non-conforming portion of the existing structure by less than 50%.

4. The existing structure's greatest pre-existing encroachment is the barn's side setback which is 11 feet; the proposed addition would not extend beyond or even up to this point. Therefore, the proposed addition complies with Section 3.08(A)(3)(c).
5. The single-family dwelling is 3,279 square feet and attached garage is 576 square feet, totaling 3,855 square feet for the principal dwelling. The proposed accessory dwelling is 1,284 square feet total. Therefore, the accessory dwelling is 33.3% of the principal dwelling and constitutes a conditional use.
6. The public hearing was held on Tuesday, June 27, 2017. The abutting property owners were sent notice on June 6, 2017 and the notice appeared in the June 8, 2017 issue of *The Valley Reporter*.
7. Mr. Seekins, who designed the addition, brought final proposed elevations and square footage calculations to the hearing. The application and owner attended the hearing to discuss the proposed addition, change in use, and details under review.
8. The addition will connect to the municipal water system; this approval has been granted by the town as of the hearing date.
9. The board closed the hearing on this application and stated that a written decision would be issued within 45 days.

D. CONCLUSIONS OF LAW

Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the Conditions of Approval listed below, does meet the conditional use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

Application #3759-CU is hereby APPROVED, subject to tany and all application local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 11th day of July, 2017 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Gib Geiger, Michael Kingsbury, Rudy Polwin, and Brian Shupe.

Voting in the Negative: None.
Absent: Chris Jernigan.

Appeal

Pursuant to Title 24 VSA §4471 and §4472, an interested person who has participated in the review of this application may appeal this decision to the Environmental Division of the Vermont Superior Court by filing a Notice of Appeal directly to the Court, 32 Cherry Street, Suite 303, Burlington, Vermont 05401, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of the Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.