



**WAITSFIELD DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION**

<b>Application #:</b>	<b>3768-CU</b>
<b>Land Owner:</b>	<b>George Sabochick</b>
<b>Property Address:</b>	<b>452 Sugar Glen Drive</b>
<b>Parcel Number:</b>	<b>40031.000 in Agricultural-Residential District</b>
<b>Meeting Date(s):</b>	<b>August 8, 2017</b>
<b>Proposal/Type:</b>	<b>Request to demolish, rebuild, and expand an existing, non-conforming structure (a 24' x 28' garage).</b>

**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 3.08 Non-Conforming Structures.
  - c. Section 5.03 Conditional Use.

**B. MATERIALS SUBMITTED**

On July 12, 2017, the applicant submitted a cover letter, zoning permit application, conditional use application, and proposed site plan for the garage.

**C. FINDINGS OF FACT**

1. The property is a 4.6 acre lot containing an existing, non-conforming single family dwelling, a detached garage, a pool, and a small shed. It is identified as parcel #40031.000 in the Agricultural-Residential Zoning District.
2. The applicant proposes to demolish the existing garage, and expand the size of the garage when rebuilt. The existing garage is structurally unsound.
3. The proposed garage's siding will match the existing garage but the roof will have a steeper pitch. The proposed garage will include front windows upstairs, 3 garage doors, and 2 exterior doors.
4. The existing garage is 24' x 28' in size and is non-conforming because it does not meet the 75' front setback. The structure is only set back from the road centerline 64 feet. The total non-conforming area of the existing garage is approximately 196 square feet.

5. The new garage will total 36' x 28' x 25' tall. The 12' x 28' addition (to the footprint) exists entirely outside of the setback encroachment so it is conforming. However, approximately 20 square feet of non-conforming volume will be added because of the altered second story roof.
6. The proposed addition complies with Section 3.08(A)(3)(a) because it increases the volume of the non-conforming portion of the structure by 10.2%, which is less than the 50% maximum allowed by this regulation.
7. The existing structure's greatest pre-existing encroachment is the garage's front setback which is 64 feet; the proposed addition would not extend beyond this point. Therefore, the proposed addition complies with Section 3.08(A)(3)(c).
8. The applicant plans to use the existing underground power but will install a new conduit.
9. The applicant proposes to remove 2-3 trees in the parking area for the expanded garage.
10. The new lighting will be similar to the existing lighting on the garage with interior and exterior fixtures. The applicant will use shielded, downcast exterior fixtures.
11. The public hearing was held on Tuesday, August 8, 2017. The abutting property owners were sent notice on July 20, 2017 and the notice appeared in the July 18, 2017 issue of *The Valley Reporter*.
12. The applicant presented the proposal, and clarified that the exterior lights will be a single light in the gable roof, and sconce lighting between the dormers. All exterior lights will be shielded and downcast as required by the Zoning Bylaws.
13. The board closed the hearing and stated that they will issue a written decision 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 #3768-CU is hereby APPROVED, subject to any and all applicable local, state, and federal permit requirement(s).

Dated at Waitsfield, Vermont this 22 day of AUGUST , 2017 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

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

Voting in the Negative: None.

Absent: Gib Geiger, Chris Jernigan, and Rudy Polwin.

### 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.**

