

WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3823-CU
Land Owner:	Charlene Spaulding
Applicant:	Edward Spaulding
Property Address:	31 Center Fayston Road
Parcel Number:	99030.000 in the Agricultural Residential District
Meeting Dates:	June 12, 2018
Proposal/Type:	Request for approval to expand an existing, non-conforming structure (a garage attached to a single-family dwelling) and to reconstruct a damaged roof over the front porch. No change to the overall height or setback distances will result.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. 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(A) Non-Conforming Structures.
 - c. Section 5.03 Conditional Use Review.
2. Waitsfield Subdivision Regulations, amended on January 21, 2008.
3. Waitsfield Town Plan, as adopted on December 18, 2017.

B. MATERIALS SUBMITTED

On May 18, 2018, the applicant submitted the following materials:

1. A zoning permit application;
2. A conditional use application;
3. A proposed site plan;
4. A chart of volume calculations;
5. Existing and proposed floor plans;
6. Limited Power of Attorney demonstrating he is an authorized agent of the owner;
7. Settlement agreement with the Town demonstrating waiver of permit fee.

C. FINDINGS OF FACT

1. The property is located at 31 Center Fayston Road and contains an existing single-family dwelling and attached garage. The parcel is identified as #99030.000 in the Agricultural Residential Zoning District.

2. The applicant proposes to reconstruct the porch roof (9' x 9'4") and expand an existing, non-conforming garage (by 8' x 28' x 25' tall). He also proposes to construct a 30' x 22' accessory structure (a shop) which requires only an administrative permit.
3. The Zoning Bylaws allow for expansion of a non-conforming structure but limit growth to 50% of the total volume or area of the non-conforming portion of the structure.
4. The existing single-family dwelling and attached garage calculations are as follows:
 - a. Existing square footage: ~2,941
 - b. Existing volume including porch: ~30,371 cubic feet
5. Total calculations for the proposed expansion are as follows:
 - a. Proposed additional square footage: ~725
 - b. Proposed additional volume: ~12,822
6. The proposed addition complies with the growth limitation for non-conforming structures. $725/2941 = 24.7\%$ expansion of total square footage. $12,822/30,371 = 42.2\%$ expansion of total volume.
7. The public hearing was held on Tuesday, June 12, 2018. The abutting property owner was sent notice on May 24, 2018 and the notice appeared in the May 24, 2018 issue of *The Valley Reporter*.
8. The applicant presented his proposal and clarified the build-out design he envisioned.
9. The board clarified that, at 42% growth in volume, the applicant is near the maximum that he could add on to this non-conforming structure even though square footage growth is only at 24.7%.
10. The board closed the hearing on this application and stated that a written decision would be issued within 45 days.

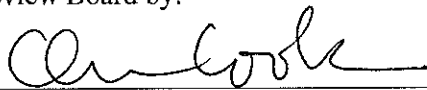
D. CONCLUSIONS OF LAW

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 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 #3823-CU is hereby APPROVED subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 6th day of July, 2018 for the Town of Waitsfield
Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Gib Geiger, Chris Jernigan, and Mike Kingsbury.

Voting in the Negative: None.

Absent: John Donaldson, Rudy Polwin, and Brian Shupe.

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.

