

TOWN OF WAITSFIELD

ZONING PERMIT

PERMIT NO. 3980 DATE OF ISSUE 4/14/2021

PROPERTY OWNER: Defau, James & Kimberly

APPLICANT: Defau, James & Kimberly (If other than owner)

PROPERTY LOCATION: 21 Spring Hill Road

APPROVED FOR: Construct dormer on the southern elevation of existing garage to increase storage space. Dormer not to exceed height of existing garage and shall be 22 cubic feet.

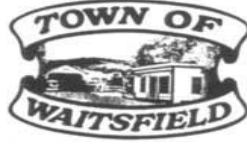
Provided that the person accepting this permit shall in every respect conform to the terms of the application files and conditions of approval granted, and to the provisions of applicable Vermont statutes and the Waitsfield Zoning Ordinance.

[] THIS PERMIT GRANTED BY THE ZONING ADMINISTRATOR IS SUBJECT TO APPEAL FOR 15 DAYS FROM THE DATE OF ISSUE IN ACCORDANCE WITH VERMONT STATUTE 24 VSA 4464

[X] THIS PERMIT GRANTED BY THE DEVELOPMENT REVIEW BOARD IS SUBJECT TO APPEAL FOR 30 DAYS FROM THE DATE OF ISSUE IN ACCORDANCE WITH VERMONT STATUTE 24 VSA 4471

THIS POSTER MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES AND VISIBLE FROM THE ROAD DURING THE APPEAL PERIOD AND THROUGHOUT CONSTRUCTION.

BY: [Signature], Zoning Administrator



DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3980-CU
Land Owner:	James & Kimberly deFau
Applicant:	Nicole deFau
Property Address:	21 Spring Hill Road
Parcel Number:	#03082.000 and located in the Agricultural Residential District
Meeting Dates:	April 13, 2021
Proposal/Type:	Request to increase the degree of noncompliance of an existing garage by adding a dormer to the portion of the garage located within the required front setback from Joslin Hill Road

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 28, 2020:
 - a. Table 2.07 Agricultural-Residential District.
 - b. Section 3.08 Nonconforming Structures
 - c. Section 5.03 Conditional Use Review
 - d. Section 7.02 Definitions (*Degree of Noncompliance*)
2. Waitsfield Town Plan, as adopted on December 18, 2017.

B. MATERIALS SUBMITTED

1. On March 11, 2021 the applicant submitted a Conditional Use Permit Application including a site plan and building elevations.

C. FINDINGS OF FACT

1. The property is located at 21 Spring Hill Road and the parcel is identified as #03082.000 in the Agricultural-Residential District.
2. The parcel is 0.69 acres and includes a single-family residence with an associated garage. The garage was previously detached but a permit was issued in March 2021 for an addition that will connect the house and the garage (#3979).
3. The lot is an existing small lot which allows for development so long as the requirements outlined in the zoning bylaws are met (Section 3.05).
4. The lot is a corner lot and as per Section 3.07(F), "any yard adjoining a street shall be considered a front yard." Based on the current zoning, the 75' front setback for the Ag-Res District applies to both the Spring Hill Road and Joslin Hill Road frontage.
5. The existing garage is 60ft setback from Joslin Hill Road making it a non-conforming structure.

6. The applicant proposes adding a dormer to the southern side of the garage, fronting Joslin Hill Road. This project would increase the degree of noncompliance which is defined as, *"The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the noncomplying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of noncompliance."*
7. A public hearing was held on Tuesday, April 13th, 2021. Notice was sent to *The Valley Reporter* on March 19, 2021 and the abutting property owners were sent notice on March 26, 2021. Notice appeared in the March 25th issue of *The Valley Reporter*.
8. No public comments were received before the hearing or at the hearing.
9. The applicant proposes adding 22cubic feet of new space within the setback, increasing the degree of noncompliance which requires DRB review as a conditional use, subject to the standards found in Section 3.08(3). The DRB determined that the project meets the criteria as the dormer does not result in an increase of more than 50% of the existing nonconforming portion of the structure.
10. The applicant explained that the dormer would make the existing storage space located above the garage more functional.
11. The Board agreed that the garage is already well screened from Joslin Hill Road with existing trees and landscaping.
12. The applicant confirmed that the existing windows on the ground floor portion of the garage would remain.

D. CONCLUSIONS OF LAW


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

E. DECISION

The Conditional Use Application for #3980-CU is hereby approved, subject to the following conditions:

1. This approval is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 14th day of APRIL, 2021 for the Town of Waitsfield Development Review Board by:



John Donaldson, Development Review Board (Vice Chair)

Voting in the Affirmative: Duncan Brines, John Donaldson, Gib Geiger, and Steve McKenzie

Abstaining: None.

Voting in the Negative: None.

Absent: Chris Cook, Rudy Polwin, and JB Weir.

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 Vermont Environmental Court by filing a Notice of Appeal directly to the Environmental Court, 255 North Main Street, Barre, VT 05641, 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.