

Application for Variance

TOWN OF MARLBORO Development Review Board

Application #: 15-28 V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a variance submitted by Nate Harvey and Keely Eastley to construct a 20-foot by 24-foot carport on poles located within the 50 foot allowable setback at 1021 North Pond Road under the Town of Marlboro Zoning Bylaw.
2. The application was received by Mary Sargent, Zoning Administrator on October 22, 2015. A copy of the application is available at the Marlboro Town Office.
3. On October 31, 2015, notice of a public hearing was published in the Brattleboro Reformer.
4. On November 2, 2015, notice of a public hearing was posted at the following places:
 - The Marlboro Town Office
 - Bulletin Board out side the Marlboro Town Office
 - Marlboro Town Web Site
5. On November 2, 2015, a copy of the notice of a public hearing was mailed to the applicant. On November 2, 2015, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the applicant's property:
 - Anthony & Jane Stepanski, 12 Kimball Circle, Westfield, NJ 07090-1809
 - Seth Tudor, PO Box 247, Marlboro, VT 05344
 - William Carlisle, PO Box 244, Marathon, TX 79842
 - Clarence & Barbara Cook, PO Box L, Marlboro, VT 05344
6. The application was considered by the Development Review Board under the Town of Marlboro Zoning Bylaws, as amended March 2005, at a public hearing on November 17, 2015.
7. Present at the hearing were the following members of the Development Review Board:
 - T. Hunter Wilson, Chair
 - Jean Boardman
 - Brent Seabrook
 - Gail MacArthur
 - Mary Sargent, Zoning Administrator
 - Julia von Ranson, Development Review Board Assistant

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity to do so. After a deliberative session, the Development Review Board granted interested person status to the following persons:

- Keely Eastley, 1020 North Pond, Rd, Marlboro, VT 05344

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- Zoning Permit Application 15-25, for construction of a carport, dated August 24, 2015.
- Zoning Application for variance, an amended application to Zoning Permit 15-25, dated October 15, 2015.
- Project Proposal from Nate Harvey, undated.
- Town of Marlboro CTI Map showing parcel line, tax map numbers, contours, and property owners, dated January 15, 2013.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a variance to construct a carport in the property owner's driveway. The subject property is a 4.2-acre parcel located at 1021 North Pond Rd in the Town of Marlboro, tax map parcel no. 07-02-13.1. The property is more fully described in a Deed recorded at Book 47, Page 778, of the Town of Marlboro Land Records.

2. The property is located in the Rural Residential District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro Town Office and section 305 of the Zoning Bylaw.

3. The following variance is sought by the applicant: to construct a carport in the driveway. The variance request requires review under the following sections of the Zoning Bylaw 413:

4. The following unique physical circumstances or conditions peculiar to the subject property are found: The combination of slope, water flow and existing structures and septic mound make proposed building site the only viable location. The carport is proposed to be rotated slightly and sit within 30 feet of the town right of way. The existing house is within 35-36 feet from the town right of way and is grandfathered in. There would be too much impact to build the carport anywhere else on the property.

5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.

6. Unnecessary hardship has not been created by the applicant.

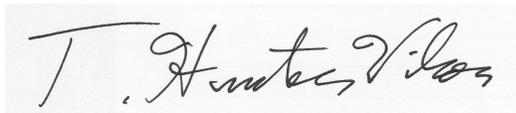
7. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare:

8. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the following the variance: to construct a carport within the 50 foot allowable setback. The Northeast corner of the carport will be 30 feet from the town right of way and the Southeast corner will be 34 feet from the town right of way.

Dated at Marlboro, Vermont, this 18th day of November, 2015.

A handwritten signature in black ink, reading "T. Hunter Wilson". The signature is written in a cursive style and is centered within a light gray rectangular box.

T. Hunter Wilson, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.