

TOWN OF MARLBORO
Development Review Board

Application for Variance Findings and Decision

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Bylaw, of an application for a variance submitted by Applicant: David Ross, 49 Frost St, Brattleboro, VT 05301; Owners: Jill Lepore and Tim Leek, 36 Garfield Street, Cambridge, MA 02138; Location: 147 Levi Howard Road, Marlboro, VT; Tax Map Number 08-01-15.11; Proposal: To remove the sunroom structure on the south end, construct a covered porch on the north end, and replace the existing 14x24 addition with a new 24x24 addition on the west side of the existing house, all within the setback from Levi Howard Road.
2. The application was received by Mary Sargent, Zoning Administrator, on August 17, 2017. A copy of the application is available at the Marlboro Town Office.
3. On September 6, 2017, notice of a public hearing was published in the Brattleboro Reformer.
4. On September 6, 2017, notice of a public hearing was posted at the following places:
 - Marlboro Town Clerk's Office
 - Bulletin Board outside the Marlboro Town Clerk's Office
 - Marlboro Town Website, marlborovt.us
5. On September 6, 2017, a copy of the notice of a public hearing was mailed to the applicant. On September 6, 2017, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - William Lynch, PO Box 2428, West Brattleboro, VT 05303
 - Philip Kramer, 112 Snow Mountain Lane, Brattleboro, VT 05301
 - Christine & William Shakespeare, PO Box 77, Marlboro, VT 05344

- Jesse Pratt & Michael O'Conner, 163 Sparhawk Street, Portsmouth, NH 03801
- Shakespeare's Cottage Apartments, PO Box 77, Marlboro, VT 05344

6. The application was considered by the Development Review Board at a public hearing on September 19, 2017. The Development Review Board reviewed the application under the Town of Marlboro Zoning Bylaw, as amended March 2007.

Present at the hearing were the following members of the Development Review Board:

- Steven John, Chairman
- Jean Boardman, Clerk
- Gail MacArthur
- Matt Tell, Alternate
- Mary Sargent, Zoning Administrator
- Julia von Ranson, DRB Administrative Assistant

7. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met:

- David Ross, 228 Stage Rd, Guilford, VT, applicant's builder

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

- Permit Application, signed and dated August 16, 2017, including site plan (not to scale)
- Zoning Permit Application Addendum, describing proposed modifications to existing house
- Town of Marlboro CTI Map, showing parcel boundaries and 20-foot contours, printed on August 29, 2017
- Town of Marlboro CTI Maps (2), showing Bing Imagery (aerial view of existing development of the parcel), printed on August 29, 2017
- List of abutters to Leek/Lepore property (Tax Map # 08-01-15.11), printed on Sept. 1, 2017

These exhibits are available at the Marlboro Town Office.

FINDINGS

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

1. The following variance is sought by the applicant: to remove the sunroom structure on the south end, construct a covered porch on the north end, and replace the existing 14x24 addition with a new 24x24 addition on the west side of the existing house, all within the setback from Levi Howard Road. The variance request requires review under the following sections of the Zoning Bylaw: Section 305 Rural Residential, Area, Dimensional and Coverage Requirements, Front Yard Minimum: 50 feet (from highway right-of-way).
2. The subject property is a 56 acre parcel located at 147 Levi Howard Road in the Town of Marlboro; Tax map parcel # 08-01-15.11. The property is more fully described in a Deed recorded at Book 60, Page 334, of the Town of Marlboro Land Records.
3. 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 municipal office and Section 305 of the Zoning Bylaw.
4. The following unique physical circumstances or conditions peculiar to the subject property are found: the 18th century home was constructed within the setback of Levi Howard Road.

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.

Unnecessary hardship has not been created by the applicant.

For the following reasons, 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: The property is located in a rural and somewhat isolated location at the very end of a town road.

The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Bylaw and from the Town Plan.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following variance: to remove the sunroom structure on the south end, construct a covered porch on the north end, and replace the existing 14x24 addition with a new 24x24 addition on the west side of the existing house, all within the setback from Levi Howard Road.

Dated at Marlboro, Vermont, this 21st day of September, 2017.

A handwritten signature in black ink that reads "Steven John". The signature is written in a cursive, flowing style.

Steven John, Chairman
Marlboro Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the 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.