

TOWN OF MARLBORO
Development Review Board

Application for Waiver of Setback
Findings and Decision

Permit # 20-17 W

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Regulations, of an Application for Waiver of Setback submitted by Walter Cramer and Mary Greene-Cramer, PO Box 354, Marlboro, VT 05344-0354; Location: 611 Moss Hollow Road, Marlboro, VT; Tax Map # 11-01-50.2; Proposal: Waiver; Site Plan Review for expansion of the mudroom of an existing nonconforming single-family home located within the Side Yard Minimum Setback from the parcel boundary to the east.
2. The Application was received by Mary Sargent, Zoning Administrator, on July 14, 2020. A copy of the Application is available at the Marlboro Town Office.
3. On August 31, 2020, notice of a public Hearing by *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On August 31, 2020, notice of a public Hearing by *Zoom* videoconference 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 2, 2020, a copy of the notice of a public Hearing by *Zoom* videoconference was mailed to the Applicants. On September 2, 2020, a copy of the notice of a public Hearing by *Zoom* videoconference was mailed to the following Owners of properties adjoining the property subject to the Application:
 - Estate of Adelbert Ames, 84 Jenckes Road, Brattleboro, VT 05301-9652
 - David Moss & Andrea Lerner, Cosimaplatz 3, D-12159 Berlin, GERMANY
 - Democracy Builders Fund I, Inc., 2130 Adam Clayton Powell Blvd, New York, NY 10027
 - Marlboro School of Music, Inc., 1528 Walnut Street, Suite 301, Philadelphia, PA 19102
 - Jacob Wheeler & Lorianne James, PO Box 71, Marlboro, VT 05344-0071
 - Nels & Luanne Kloster, PO Box 404, Marlboro, VT 05344-0404
6. The Application was considered by the Development Review Board at a public Hearing by *Zoom* videoconference on September 15, 2020. The DRB reviewed the Application under the Zoning Regulations of the Town of Marlboro, as amended March 6, 2018.

7. Present at the Hearing were the following members of the Development Review Board:

- Steven John, Chair
- Jean Boardman, Vice Chair
- John Nevins
- Brent Seabrook
- Peter Barus, DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

8. At the outset of the Hearing, the Development Review Board afforded those persons wishing to achieve status as an Interested Party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that Statute could be met. The following persons sought Interested Party status:

- No Interested Parties attended

9. The following exhibits were submitted to the Development Review Board during the course of the Hearing:

- Permit Application, signed and dated 7/10/20
- Application for Zoning Permit #85-25, dated July 30, 1985, locating house within Side Yard Minimum Setback from property boundary to the east
- Town of Marlboro CTI Map: Tax Map number 11-01-50.2, printed on July 28, 2020; showing parcel boundaries, dimensions, and 20-foot contours
- Town of Marlboro CTI Map: Tax Map number 11-01-50.2, printed on July 28, 2020; showing *Ortho Imagery 2015*
- List of Abutters to the Greene-Cramer property (Tax Map number 11-01-50.2), with corresponding Town of Marlboro CTI Map, printed on August 25, 2020

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 Applicants seek a Waiver of Setback to expand the mudroom of an existing nonconforming single-family home located within the Side Yard Minimum Setback from the parcel boundary to the east.
2. The subject property is a 5.09-acre parcel located at 611 Moss Hollow Road in the Town of Marlboro, VT; Tax Map Number 11-01-50.2. The property is more fully described in a Deed recorded at Book 36, Page 394, of the Town of Marlboro Land Records.
3. The property is located in the *Rural Residential District (RUR)* as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro Municipal Office, and *Section 305* of the Marlboro Zoning Regulations.

4. The Waiver request requires review under the following Section of the Zoning Regulations: *Section 305 - Rural Residential (RUR); Area, Dimensional, and Coverage Requirements; Side Yard Minimum Setback: 30 feet.*
5. The Waiver requested is in conformance with the Town Plan, and meets the requirements of *24 V.S.A. § 4414(8) - Zoning (Waivers).*
6. The Waiver requested, for an Addition to an existing nonconforming single-family home, is allowed within the Rural Residential District as by right, and the proposed development will still conform to the purpose of the District.
7. Granting of a Waiver will have no undue adverse effect on the neighborhood in which the property is located, nor on the Town in general.
8. The proposed development does not alter the essential character of the neighborhood in which the property is located, and does not adversely impact the use, enjoyment, or development of adjacent property.
9. The proposed development does not reduce the dimensional requirements by more than the minimum amount necessary.
10. Meeting the dimensional requirements will create an undue hardship on the Applicants.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the following Waiver of Setback: to enlarge the mudroom of an existing nonconforming single-family home located within the Side Yard Minimum Setback from the parcel boundary to the east.

No Conditions were established at the Hearing.

Dated at Marlboro, Vermont, this 28th day of September, 2020.



Steven John, Chair
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.*