

Town of Sandgate Zoning Board of Adjustment

Date: 11/24/2020

RE: **Application No.** to be assigned _____

A meeting of the Sandgate Board of Adjustment was held on 11/24/2020 at 7:00 PM

Members Present: Sheila Kearns (Chair), Brad Kessler, Caroline Kimball, Joe Nolan

Members Absent: Stuart Stevens

Audience: Leslie & Michael Perra (abutting landowner), William Henry (Zoning Admin.)

The following **adjoining landowners** were present: Landowners not present; represented by Presenter

Presenter: Adam Hart appeared to present the application.

At the conclusion of the testimony, The Board made the following Findings of Facts:

Findings of Facts:

1. The permit application is to tear down and remove the existing camp on 420 West Road in the Rural Residential District (RR) and build a new residence on another location on the property.
2. The lot is non-conforming at 1 acre vs. the minimum requirement of 2 acres. However, the lot was existing prior to zoning regulations.
3. The new residence location does not meet the minimum setback requirements from the center line of the road (60', assuming a 30' road width, vs 75' required) and from the stream bank (55' side and 80' rear vs 100' required). (bylaw section 4.6). Therefore, a variance is required
4. The existing camp is a "non-conforming use" in the RR district.
5. The landowner has applied for a state water supply and wastewater system permit prepared by Brian Rapponotti, a Vermont licensed designer of septic systems.

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Conclusions of Law:

Based on the foregoing Findings of Fact, the Board then reviewed the application under **Sandgate Zoning Bylaws, Section 8.5, Subsections 1-5**

1. **8.5.1.** The lot is constrained a stream and steep stream bank.
2. **8.5.2.** The size of the lot and physical constraints do not allow strict conformance with the setback requirements.
3. **8.5.2.** These constraints are not the result of any action by the landowner
4. **8.5.3.** The granting of this 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, nor be detrimental to the public welfare.
5. **8.5.3.** The granting of this variance will result in the removal of a non-conforming camp and the construction of a residence in conformance with RR requirements. It will also result in a structure that improves the conformance with setback requirements over that of the existing camp.

Approved the Application with the following conditions:

1. The permitted improvement must meet all other zoning requirements (Bylaw section 3.5, par.1).
2. The landowner must obtain a state water supply and wastewater system permit.
3. The landowner has or obtains a road access permit in conformance with Bylaw section 8.1, par. 7.

Denied the Application for the following reasons:

1.

2.

Dated: 11/28/2020_____

Approved

Disapproved


