

Town of Sandgate Zoning Board of Adjustment

Date: January 20, 2021

RE: **Application No.** 20-10-22

A meeting of the Sandgate Board of Adjustment was held on 1/20/2021 at 7:00 PM

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

Audience: Matt Tudor (close neighbor), Bobbi Stone (close neighbor)

The following **adjoining landowners** were present:

Linda Iannacone, Ron Iannacone, and
Bill Freeman.

Adjoining landowners Nancy & Joe Mangino sent 2 letters offering their testimony about the proposed variance. These letters are included as an addendum to this document.

Land owner: Country Creek Estates Inc. (Chris Papamichael)

Presenter: Bill Freeman (contractor) appeared to present the application.

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

Findings of Facts:

1. The property (ID#11480-0L0) for which the variant is sought located in the Forest 2 Zone: is off Swearing Hill Rd.; is approximately 11 acres in size: and is accessed by a private right of way. While the lot does not meet the 25 acre minimum for the Forest 2 Zone, the lot is grandfathered under Bylaw Section 3.5 Administrative Requirements par. 1.
2. The proposed structure is a 32' long, X 20' wide, 18' high cabin (camp) with a 6' wide X 32' long porch and is a permitted use in the Forest 2 district. under Bylaw Section 6.2, par. 5 and subject to the following (summarized):
 - a. No toilet in the camp, privy only
 - b. No toilet within 100 ft of water supply or body
 - c. 200 ft setback from any lot and street line
 - d. No electricity from an off-site power source.The plot plan meets the requirements of a., b. and d., but not c. due to the terrain, and for which a variance has been requested.
4. The plot plan provided in the application shows a 640 square foot structure which would have to be adjusted to meet the Bylaw Section 1. Definition of a "Camp, primitive" as being limited to a size of 600 square feet.
5. The variance sought requests a setback of 60' feet from the Iannacone property line and of 75' from the center of the right of way that marks the Mangino property line.

6. The Iannacones object to granting the variance for the 60' setback from their property line on the grounds that the structure is too close to their property and that the proposed size of the structure is larger than what they find acceptable at a distance of 60' from their property line. They request that the 200' setback requirement be enforced.
7. The Mangino's also object to granting the variance for the 75' setback from their property line and expressed concern that doing so might interfere with their plans to sell their property. They request that the 200' setback requirement be enforced.
8. Matt Tudor and Bobbi Stone expressed concern that the placement of a privy on a lot that is so steeply sloped could create runoff problems

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**

In adherence to and acting strictly within the limitations of 24 V.S.A. Section 4469 the Board unanimously agreed that it could not make a positive finding on Subsection 4 of Section 8.5 of the Sandgate Zoning Bylaws:

8.5.4. 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.

Approved the Application with the following conditions:

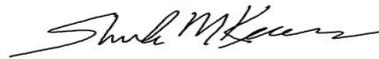
Denied the Application for the following reasons:

1. The proposed structure does not conform to the required 200' foot setback for camps in the Forest 2 from abutting property lines under Bylaw Section 6.2, par. 5.
2. After considering the findings of fact, the Board found that the variance, if issued, would alter the essential character of the Forest #2 District and, furthermore, may substantially impair the appropriate use of the adjacent properties.

Dated: _____

Approved

Disapproved



Addendum to Town of Sandgate ZBA Hearing January 20, 2021

January 11, 2021

To: Sandgate's Zoning & Planning Board

Re: Hearing, Wednesday January 20, 2021 on "Setback Variance" request

Ms. Kearns and Board Members:

[As we are unable to attend, please allow our longtime friend Linda Iannacone to speak for us/ read our statement on this matter]

It seems like *déjà vu* as we have been in this same situation 3 times before: in 2007, 2009, and 2014. Unfortunately, on each occasion 'Sandgate Zoning meeting notices' have been the harbingers of headaches for us, so we are a bit leery about this proceeding...

We have some hope that the prior episodes were related to the questionable activities of the [same] person behind the requests at the time, and that *this* current request is not connected... but in all honesty, because of those past experiences, the words "setback variance" only convey "vandalize your property" to us. [Details of the destruction of our property and the dishonorable dealings behind it are documented in 2007, 2009, and 2014's correspondence between us, Sandgate's Zoning Board, and several related government agencies. Copies can be provided upon request]

Frankly, it would not come as a great surprise to learn that "Country Creek Estates" is just the next iteration of "Halmar Holdings", "Vermont Home Builders", "Speath Engineering" or any other of the entity names already used to secure what appears to be the same 'setback variance' for the same property and the same reason.

As plainly as possible then - we do not wish to have any part of our property involved in any way in the "construction of a camp on Swearing Hill Road". We are sorry if existing regulations cause problems for any desired building, *but interfering with our place on our side of Swearing Hill cannot be a solution*. [However, IF this 'setback variance' has nothing whatsoever to do with infringement on/ diminishment of/ or damage to our property (including 'easement', r-o-w, etc.) please overlook the wary tone. We wish the prospective campers well... can hardly imagine a prettier setting for a camp than the mountain:]

After 55 years we're saying goodbye to Vermont. Since Mom died 2 years ago, and we have recently lost our beloved daughter, we no longer have any reason to keep the lovely land... In conjunction with all the other 'downsizing' of our life, we are putting it up for sale.

We hope and trust that the outcome of this hearing won't make these plans harder for us. Thank you for your consideration.

Nancy & Joe Mangino

Stafford, Virginia 540-659-7439

Addendum to Sandgate ZBA Hearing 1/20/2021

January 19, 2021

To: Sandgate's Zoning & Planning Board

Re: Hearing, Wednesday January 20, 2021 on "Setback Variance" request

Mr. Henry and Board Members:

Please consider this an addendum to our 1/11/21 letter that Ms. Iannacone was kind enough to deliver for us...

As we now have a clearer understanding of tomorrow's subject [i.e. reducing the required 200' distance from neighboring property lines] we'd like to add a word about any building within 200' of our property line on Swearing Hill Road...

After reviewing the voluminous correspondence (going back to 2007) about our Vermont property we cannot help noting that it's *always* the *same* property [across from ours on SHR] and the same issue up for the Board's consideration - 'setback variances' in order to accommodate building desired by the owner... (Really, after all these years, is the owner still not able to build something that does comply with Sandgate's existing regulations?)

Please understand, we are strong believers in privacy and property rights, and have no interest in critiquing, or even commenting upon, someone else's vision - but there is a question here about how much trespass on a neighbor's 'vision' should be permitted.

We assume the 200' rule is there for a reason - in scenic Sandgate, very likely it's an aesthetic reason... Perhaps we're anticipating a bit [with good reason], but the idea of obstructing those sweeping views of the mountain with a cabin, perhaps outbuildings, plotzed right opposite less than 200' from our place, is painful to consider...

We have been burned before on this same issue, when the 2007 owner assumed he could circumvent a '50'-from-the-road regulation' by simply bull dozing *a 20' wide, 1260' long strip of OUR property down INTO the road*- presumably to give himself the required footage on HIS side of Swearing Hill... Apparently the Board did not let him get away with it - although he did get away with the vandalism. We're sure you will understand why we are sick of - and sensitive about - any further problems on this score.

Please uphold the existing code. Hopefully the owner can find some other way to pursue his/ her desired building - without imposing upon the rights and desires of the rest of us...

Once again, thank you for your consideration.

Nancy & Joe Mangino Stafford, Virginia 540-659-7439