

# Town of Sandgate Zoning Board of Adjustment

Date: April 13, 2022

RE: **Application No. 02-15-2022**

A meeting of the Sandgate Board of Adjustment was held on 04/13/2022 at 7:00 PM

**Members Present:** Richard Zoppel (Chair), Brad Kessler, Caroline Kimball, Rob Viglas

**Interested party present:** Bill Freeman (Adjacent Property Owner) and Land owner Chris Papamichael (Country Creek Estates Inc.)

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 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 30' long, X 20' wide, 18' high cabin (camp) with a 6' wide X 30' 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 600 square foot structure which meets the Bylaw Section 1. Definition of a "Camp, primitive" as being limited to a size of 600 square feet.
5. The variance sought also requests a setback of 60' feet from the Tew property line and of 75' from the center of the right of way that marks the Mangino property line and clarification the for the purposes of this application the structure's 600 square foot footprint meets the definition of a primitive camp.

## **Conclusions of Law:**

Based on the foregoing Findings of Fact, the Board then reviewed the application under **Sandgate Zoning Bylaws, Section 8.5:**

**8.5 Variances:** On an appeal from the decision of the Zoning Administrator, where a variance from the strict requirements of this bylaw is requested the ZBA must adhere to and act strictly within the limitations of 24

V.S.A. Section 4469. The Board may render a decision in favor of the appellant only if it makes a positive finding on all of the following facts:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this bylaw in the district or neighborhood in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That the appellant has not created the unnecessary hardship;
4. That the variance, if authorized, 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; and
5. That the variance, if authorized, will represent the minimum variance affording relief and will represent the least deviation possible from the zoning bylaw and the town plan.

In adherence to and acting strictly within the limitations of 24 V.S.A. Section 4469 the Board unanimously agreed that it could make a positive findings on the facts as stated in Section 8.5 of the Sandgate Zoning Bylaws:

<input checked="" type="checkbox"/>	<b><u>Approved the Application</u></b>
<input type="checkbox"/>	<b><u>Denied the Application</u></b>

Dated: April 13, 2022

Approved

Disapproved

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