

Town of Moretown Development Review Board
79 School Street, Moretown, Vermont 05660

Minutes for Hearing Held September 20, 2018

Application of Michael and Susanne Michaelson Requesting Side Setback Waiver for Addition to Existing Residence at 136 Middle Road

The meeting was called to order at 6:30 PM. Present for the Board were Paula Woods, Erick Titrud, John Riley and Jim O'Neill. Present were the Applicants Michael and Susanne Michaelson, as well as their builder, René Gagnon of Larson, Gagnon & Sons. Also present was Zoning Administrator John Weir.

Applicants own an existing three bedroom residence at 136 Middle Road. They purchased the property in 2013. The house was built as a model to promote other sales in the Gallagher Acres Subdivision. It is a two story residence with foundation having dimensions of 22 feet by 30 feet.

The parcel size is 0.44 acres. There are practical difficulties in extending the residence to the rear. After a short distance the land slopes upward and there is a power line at the rear of the lot. In connection with the Application, Mr. Gagnon submitted photos of the existing residence and sketch plans for the proposed addition. The proposal is to extend the structure 20 feet laterally toward the property's sideline, with the addition's depth being 32.5 feet. The first floor will be primarily additional garage area with a 16 foot by 8 foot overhead door, and the second floor being mostly residential living space.

The property is located within the Commercial District which has a side minimum setback of 25 feet. The existing residence is presently 41 feet from the sideline. Extending it 20 feet would place the new structure 21 feet from the sideline, and so encroach 4 feet into the setback area.

Although not contained within the Town's zoning file, the Michaelsons stated certified mailings went to all abutting landowners and they had discussed their project with the owner on the side of the proposed setback encroachment. In general, houses that have recently been built in the development have wider dimensions and garages. The Michaelsons indicated no abutters have expressed concerns with the project. No neighbors appeared at this hearing.

There was general discussion as to whether Applicants could otherwise accomplish an enlargement of the existing residence, either by extending a shorter distance to the

sideline, extending the residence to the rear, or pursuing some combination of both. Extending the residence to the rear would involve cutting into the slope and removing fill, and probably some work in contouring the remaining slope to divert surface water away from the structure.

The Board worked through the language of Ordinance Section 4.5(C)(1) which under certain circumstances permits reduction of setbacks, and whether the current application can meet those requirements.

At approximately 7:30 Eric moved (Paula second) to close the evidence and go into deliberative session to consider the Application. All approved.

The other attendees left and the Board deliberated on the matter. The following findings and conclusions represent the Board's decision on the Application.

Decision

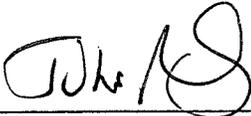
1. The Michaelsons' development proposal is well thought out and it is understandable that they wish to increase the size of their existing residence in the manner they propose. However, the existing residence is already a conforming structure and use. And it can be expanded in a manner that will maintain compliance. It does not otherwise meet the criteria for a setback reduction. Accordingly, the Application as submitted is denied.

2. Under Section 4.5(C)(1) notwithstanding stated setbacks for certain Districts, the DRB is allowed to grant modifications as a conditional use in certain circumstances. In the Commercial District where this property is located, a sideline setback may be reduced from 25 feet to not less than 10 feet. As written, the section requires that the reduction be needed to preserve a scenic feature not otherwise protected by the setback; or is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions. The present Application does not involve preservation of a scenic feature. Nor does it appear that there are significant building constraints caused by existing site conditions. There are not factors of geology, topography, or hydrology which prevent the residence from being expanded in a manner that continues to comply with the setback requirement. Although perhaps at greater construction cost, or not exactly in the manner preferred by the owners.

3. As presented, the Application does not meet the requirements for a side setback reduction as contemplated under Section 4.5(C) and is denied conditional use approval.

Respectfully submitted,

Moretown Development Review Board

By:  _____
John Riley, Chair