

# Development Review Board/ Planning Commission

May 1 2014

**Present:** Mary Rudd, Heidi Mahoney, Zoning Administrator Ed Hanson, Louise Giovanella, Howard Hall, Barbara Fleming, Kirsten De La Cruz and Committee Chair David Raphael

**Others present:** Paulette Bogan, Kevin Sullivan, Rudy Vorsteveld, Hans Vorsteveld

## DRB

At 7:05 p.m. the DRB convened. The meeting minutes for April 3, 2014 was reviewed Louise Giovanella motioned to accept the minutes Mary Rudd 2<sup>nd</sup>. Unanimously approved. The meeting minutes for April 17, 2014 were reviewed. Louise Giovanella motioned to accept the minutes with amendments to spelling of peoples' names and rewording of a sentence. Heidi Mahoney 2<sup>nd</sup>. Unanimously approved. Committee Chair opened the hearing for Vorsteveld Farms' request of a front-yard set-back variance waiver to allow the construction of an attached garage 28'x24' addition to the recently replaced farm labor dwelling on Adam's Ferry Rd. Committee Chair David Raphael read the five regulations relating to set-back variances. He also stated that a site visit took place at 6:15 p.m. May 1, 1014 with five members of the DRB present including the Zoning Administrator Ed Hanson. No representative of Vorsteveld Farm was present. As Committee Chair David Raphael is an abutter he recused himself. Heidi Mahoney motioned that Louise Giovanella take over the hearing. Howard Hall 2<sup>nd</sup>. Unanimously approved. All those giving testimony were duly sworn in. Acting Committee Chair Louise Giovanella reread the standards regarding set-back variances,

"1. Unique physical circumstances or conditions including irregularity, narrowness, typography or other physical conditions and that the hardship is due to these conditions and not the circumstances or provisions of the by-law in the district in which the property is located."

Rudy Vorsteveld explained that a cellar hole exists on the south side, a steep embankment on the west side and the dwellings septic system on the north side leaving them no other alternative.

"2. Because of these conditions or circumstances there is no possibility that the property can be developed in strict conformity with the by-laws and therefore a variance is necessary to enable the use of the property." Rudy Vorsteveld explained that an attached garage would enable the dwelling to have a second bedroom.

"3. That the unnecessary hardship has not been created by the appellant." Rudy Vorsteveld responded that there is no other reasonable way in which to attach a garage and create another bedroom. Howard Hall asked if it were not possible to turn the suggested garage. Hans Vorsteveld explained that due to the site conditions this was not possible and still have room for a two-car garage and a side door entry. Rudy Vorsteveld stated that they had moved the house back from the road.

"4. 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 the adjacent property reduce access to renewable resources of be detrimental to the public welfare." Hans Vorsteveld responded in the affirmative.

"5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan." Rudy Vorsteveld responded in the affirmative. Howard Hall asked if they could shrink the size of the planned garage. Hans Vorsteveld stated

that they had down sized the garage plan from 30'x28' to conform as much as possible to the standards and still maintain a reasonable use. Rudy Vorsteveld said that the side door entry is planned to be a mud room entry and the primary entry to the house. Hans Vorsteveld explained the layout of the house and inquired about the construction of a deck. Zoning Administrator Ed Hanson responded that no permit is required as long as the deck does not exceed 100 sq. feet and doesn't encroach on the 90' setback. Kirsten De La Cruz motioned to approve the variance request of an attached 28'x24' garage. Barbara Fleming 2<sup>nd</sup>. Unanimously approved. Mary Rudd motioned to close the hearing Heidi Mahoney 2<sup>nd</sup>. Unanimously approved.

**Other Business**

Paulette Bogan shared that she had attended a meeting by the EPA concerning Lake Champlain protection and farmland use. She gave a copy to Committee Chair David Raphael of the meeting attended. A discussion of Lake care and best farm use took place. Zoning Administrator Ed Hanson stated that there was no new business. Louise Giovanella motioned to adjourn the DRB Mary Rudd 2<sup>nd</sup>. Unanimously approved.

**PC**

No meeting.

Respectfully submitted,  
Marjorie Huff,  
Clerk