

City of Barre, Vermont
Office of Planning, Permitting & Assessing
Services
6 N. Main Street, Suite 7
Barre, VT 05641
(802) 476-0245 ~ www.barrecity.org

BARRE CITY DEVELOPMENT REVIEW BOARD AGENDA
Regular Hearing held on Thursday, January 2, 2025 ~ 7:00 P.M.
City Hall Council Chambers

Hybrid Meeting (In-person and Virtual)

<https://us06web.zoom.us/j/84972830621?pwd=dzZCSnRZY3g4L1ZjOUVLYWsyUwUwQT09>

Meeting ID: 849 7283 0621 ~ Passcode: 445631

Dial by your location: +1 929 205 6099 US (New York; long distance, charges may apply)

1. Call to Order 7:00 pm
2. Adjustments to the Agenda
3. Visitors and Communications
4. Old Business
 - Consideration of Minutes from December 5, 2024 Hearing
 - Consideration of Decisions from December 5, 2024 Hearing
 - 59 Summer Street
 - 10 Brook Street
5. New Business

Laura Davenport, 30 Lawrence Avenue. Seeks curb cut variance; R-4 Zoning District.

6. Deliberative Session
7. Next Meeting: February 6, 2025 at 7pm
8. Roundtable – as needed
9. Executive Session – as needed
10. Adjourn

Participation Note: Under Chapter 117 Title 24 of the Vermont State Statutes, participation in these proceedings is a prerequisite to the right to make any subsequent appeal. You will lose the right to appeal the final decision unless you participate in the process by offering, through oral or written testimony, evidence or a statement of concern related to the application being reviewed. Oral testimony must be given at the public hearing. Written testimony must be submitted prior to the close of the public hearing.

Development Review Board hearings are open to the public.

For questions about accessibility or to request accommodation, please call (802) 476-0245.

To be approved at the 1/02/2025 Hearing

**DEVELOPMENT REVIEW BOARD
MINUTES FOR THE REGULAR HEARING
Thursday December 5, 2024**

A regular meeting of the Barre City Development Review Board was held in person and video conference. The hearing was called to order by Chair Sarah Helman (Ward II) at 7:02 pm., noting quorum was met.

Present: Ward I members Linda Shambo and Vice Chair Chrysta Murray; Ward II member Jayme Bauer; Ward III members Katrina Pelkey and Colin Doolittle, and At-Large members Kendall Schmidt and Liz Turner.

Absent: At Large Vacant Seat

Staff Present: Michelle La Barge-Burke, Permit Administrator

Public Present (from presentations and sign-in sheet): In-person: Michael Monte and Casey Harrington

2. **Adjustments to Agenda:** Chair Sarah Helman asked to have the Date and Time of the next Meeting be added between item 6 and 7 and become a standing item moving forward.

3. **Visitors and Communications:** None

4. **Old Business:**

a. **Consideration of November 7, 2024 Minutes:** Motion to approve the minutes made by E. Turner and seconded by C. Murray, with the following friendly amendments:

Second Page: third bullet – J. Aden to J. Alden; second bullet remove “and to be there”; first bullet second section after interior doors replace “?” with “.”. Third Page: Hearing title should be 1 Campbell Place and bullet one also 1 Campbell Place, **motion carried unanimously 8-0-0.**

b. **Consideration of November 7, 2024 Decision:**

18 S Main Street- Motion to approve by C. Murray, seconded by K. Pelkey, **motion carried unanimously 8-0-0.**

0 Seminary Street/1 Campbell Place- Motion to approve by J. Bauer, seconded by L. Turner, **motion carried unanimously 8-0-0**

5. **New Business:**

Monte Properties LLC, 59 Summer Street:

Chair Helman read the brief overview of the matter before the board for the evening; asked if there was anything needing to be read into the record, M. La Barge-Burke stated there was not. Chair Helman asked if there was any ex parte communication among the board members that

needed to be disclosed and the response was there was none. Lastly, she noted to the applicant that the board is currently comprised of 8 members out of 9, and that in order to receive approval of their application that there must be 5 votes in the affirmative to pass, and that they are down one member and can postpone the hearing if they choose – the applicant chose to proceed.

Monte Properties LLC, 59 Summer Street. Seeks Subdivision Sketch Plan Approval; Design Review Overlay District, MU-1 Zoning District.

Motion to open hearing by C. Murray, seconded by K. Pelkey at 7:13 pm, **motion carried unanimously 8-0-0.**

Present for the application was Mike Monte. The Oath was administered by Chair Helman.

Chair Helman asked if there was anything to add from the application and staff report that was already received and M. Monte was invited to speak.

- M. Monte asked to confirm that the Board all had colored copied which was confirmed.
- M. Monte's father and grandfather purchased the law office and rental house in 1968.
- Per subdivision regulation in MU-1 the lot would need to be 8,000 sq. ft. and is short and would like to request a 10% waiver.
- Dotted lines are drawn on the sketch to show potential easements and right of ways for the rental house.

Chair Helman asked each of the Board members if they had any comments or questions:

- J. Bauer asked about snow removal plan, which M. Monte shared has been backed dragged from the driveway and pushed in front of the office on to the Summer St lawn. The same contractor is used as does the St. Monica's Parish/neighbors currently.
- L. Shambo asked about the dotted lines between the houses on the sketch. M. Monte stated that is to allow the house to use everything up to the porch.
- L. Shambo asked who will do the final plan. M. Monte shared he wanted to be sure it was agreeable before proceeding with a surveyor for the final plans.
- C. Doolittle asked for clarification on the current driveway off from West Street and proposal line for water and sewer was to allow setbacks which M. Monte agreed.
- C. Doolittle asked if the current buildings have separate water and sewer lines – M. Monte stated yes.
- C. Doolittle asked about the easement and the usage between the two buildings and parking. M. Monte shared that they park near the office because of the snow on the steel roof. They used to be more staff using the office building but there is about 2 currently and they rarely fill the lot.
- C. Doolittle asked if they plan to sell the rental house if approved, which M. Monte agreed and it was currently vacant as he is not interested in being a landlord anymore.
- K. Pelkey asked who the gravel lot was owned by, which M. Monte shared it was the Church and there was once a 16 unit apartment building there but was torn down.

To be approved at the 1/02/2025 Hearing

- L. Turner clarified that the 4779 sq. ft. is with the use of the easements and right of ways and M. Monte stated yes.
- No public comments or questions were directed toward the applicants.

With no further comments from the Board or the public, Chair Helman stated that the Board would go into deliberative session after the hearings to make a decision, and the applicant could call the Permitting office tomorrow morning for the decision if rendered, and will receive a letter within two weeks.

Motion to close the hearing by L. Turner and seconded by C. Doolittle at 7:30 pm, **motion carried unanimously 8-0-0.**

Baron Properties LLP, 10 Brook Street Application:

Chair Helman read the brief overview of the matter before the board for the evening; asked if there was anything needing to be read into the record, M. La Barge-Burke stated there was not. Chair Helman asked if there was any ex parte communication among the board members that needed to be disclosed and the response was there was none. Lastly, she noted to the applicant that the board is currently comprised of 8 members out of 9, and that in order to receive approval of their application that there must be 5 votes in the affirmative to pass, and that they are down one member and can postpone the hearing if they choose – the applicants chose to proceed.

Baron Properties LLP, 10 Brook Street. Seeks Conditional Use Approval; Historic Overlay District; Special Flood Hazard Area, AE-Floodway; MU-1 Zoning District

Motion to open hearing by C. Murray, seconded by K. Schmidt at 7:32 pm, **motion carried unanimously 8-0-0.**

Present for the application Casey Harrington. The Oath was administered by Chair Helman.

Chair Helman asked if C. Harrington had anything to add from the application and staff report that was already received and invited C. Harrington to speak.

- C. Harrington provided some background that the church is not used and they use the side as overflow and don't conduct any business in the space.
- They have recently had problems with homeless in the vestibule.
- The late 70's/ early 80's it was a repair shop for boats and motor cycles and there was a cut out for a prior garage door which was covered over. He apologized for not getting a permit as he did not know.

Chair Helman asked each of the Board members if they had any comments or questions:

- S. Helman asked clarification if the door was a regular door prior and C. Harrington said no it was a garage door.
- C. Murray shared that the August 2023 photo shows a window not a door in the location, which C Harrington stated inside you could see the header for the preexisting garage door.

- L. Turner asked what the garage door was made out of and C. Harrington said it was regular door gray in color to blend in, no colonial design, just basic to blend in.
- L. Turner asked if there was any records of the previous garage door to see where it was in the concrete. C. Harrington said he had none and they ended up moving the garage door a bit to keep the other window.
- L. Turned asked if there was an option to put it on the opposite side, which C. Harrington shared that the foundation was to grade and when it floods the water comes through the buildings and where the door is now is higher up. Since the flood took out the heating there is no heat in the building.
- It was also noted that there is no curb cut in the sidewalk, which C. Harrington said they use a hand truck and there is no need for one and they are not asking for one.
- L. Shambo asked about if there was any change in traffic, which C Harrington stated the use has not changed and the only change is easier access.
- J. Bauer asked about the day to day use with no curb cut and trucks. C. Harrington said most of the time we use U-boats and trollies or he pulls his truck up so there is no traffic change and no issues with the snow.
- S Helman asked when the door was put in and Casey shared it was probably in July 2024 sometime after the flood.
- C. Doolittle asked if C. Harrington was able to provide a picture before with the header and C. Harrington said they did not and it was not covered up.

Chair S. Helman asked if there was anything to be read into the record, which M La Barge-Burke stated no.

- There were no questions or comments from the public.

With no further comments from the Board or the public, Chair Helman stated that the Board would go into deliberative session after the hearings to make a decision, and the applicant could call the Permitting office tomorrow morning for the decision if rendered, and will receive a letter within two weeks.

K. Pelkey made the motion to close the hearing at 7:45pm and was seconded by C. Doolittle, **motion carried unanimously 8-0-0.**

6. Deliberative Session

Motion made by C. Murray and seconded by L. Turner to enter into deliberative session, inviting both M. La Barge-Burke at 7:46 pm, **motion carried unanimously 8-0-0.**

Motion by C. Murray and seconded by K. Pelkey to exit deliberative session at 8:39 pm, **motion carried unanimously 8-0-0.**

- **Monte Properties LLC/59 Summer Street:** Motion made by L. Turner and seconded by K. Pelkey to approve sketch plan including the waiver for dimensional requirements for subdivision and is conditional on the applicant submitting the survey and full plans in 1

To be approved at the 1/02/2025 Hearing

year per regulations. Also the condition that the Zoning Administrator be allowed to approve any immaterial or non-substantial changes to the criteria without having to come back before the DRB for revision, **motion carried unanimously 8-0-0.**

- **Baron Properties LLC/ 10 Brook Street:** Motion made by C. Murray and seconded by J. Bauer to approve conditional use of the garage door addition as presented while also conditioning that the Zoning Administrator be allowed to approve any immaterial or non-substantial changes to the criteria without having to come back before the DRB for revision.

Next Meeting –January 2nd at 7pm in-person and via zoom.

7. **Roundtable** – J. Bauer will be taking a class and may need to miss March and April DRB Hearings.
8. **Executive Session:** - None
9. **Adjourn:** The meeting adjourned at 8:43 pm on motion from L. Shambo seconded by C. Murray, **motion carried 8-0-0.**

The open portions of this hearing were recorded on the video meeting platform.

Respectfully Submitted,

Michelle La Barge-Burke,
Permit Administrator/DRB Clerk

**CITY OF BARRE, VERMONT
DEVELOPMENT REVIEW BOARD
HEARING: DECEMBER 5, 2024
NOTICE OF DECISION FOR 59 SUMMER STREET**

I. INTRODUCTION and PROCEDURAL HISTORY

1. This proceeding involves a request for a sketch plan approval for a subdivision from the Development Review Board (the DRB).
2. On November 6, 2024, Michael Monte (the “Applicant”) filed a City of Barre zoning application (the “Application”) and supporting documentation seeking approval for the proposed sketch plan for subdivision, at 59 Summer Street (the “Project”). The owner of the subject property (the “Property”) is Monte Properties LLC (the “Owner”).
3. The property is located at 59 Summer Street, tax map ID# 1405-0059.0000, SPAN # 036-011-12160. It is currently one single-family home and one office building, in the MU-1 Zoning District, on .18 acres. The property is bounded by city streets, residential homes and a vacant lot.
4. The December 5, 2024 Hearing was warned 15 days before in the Wednesday, November 20, 2024 Times Argus issue per Vermont Statute 24 VSA §3105 (b)
5. On November 27, 2024, the Zoning Administrator sent to adjoining property owners a copy of the agenda with memorandum notifying them of the public hearing on the Project’s request. An agenda of the December 5, 2024 hearing with memorandum was also sent to the Applicant and Owner on the same day.
6. A hearing of the DRB was held on December 5, 2024 in a hybrid format including in-person and digital participation. Present during the hearing were the following members of the DRB:

Linda Shambo,	Sarah Helman, Chair	Jayme Bauer	Chrysta Murray VChair
Colin Doolittle	Kendall Schmidt	Katrina Pelkey	Liz Turner
7. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested party an opportunity to participate as outlined in Vermont Statute 24 VSA §4465(b). The list of persons attending the hearing is included in the Application packet, and listed:

Michael Monte/Monte Properties LLC Owner
8. A presentation of the application was provided by the Owner. All application documentation, including a staff report prepared by the Permit Administrator in connection with the consideration of the application, is on file in Barre City Hall.

II. FINDINGS and CONCLUSIONS

Based on the application materials, testimony by the Owner, the DRB makes the following findings and conclusions.

1. The property is located in the MU-1 Zoning District as described on the City of Barre's official Zoning Map and included in the Unified Development Ordinance (the "UDO", effective November 4, 2024).
2. Figure 4-1 of the UDO is Development Review Criteria that the applicant must demonstrate the proposed development meets. Also, section 330 Subdivision Standards & Section 4308 Subdivision Review.
3. The Permit Administrator's Staff Report to the DRB identifies those standards for variance and MU-1 District standards, and describes the consistency of this request against those standards.
4. The DRB afforded those in attendance an opportunity to provide testimony or evidence during the public hearing to consider, prior to rendering a decision.
5. During the hearing, the following testimony was provided by the Owner:
 - M. Monte's father and grandfather purchased the law office and rental house in 1968.
 - Per subdivision regulation in MU-1 the lot would need to be 8,000 sq. ft. and is short and would like to request a 10% waiver.
 - Dotted lines are drawn on the sketch to show potential easements and right of ways for the rental house.
 - Current buildings have separate water and sewer lines.
 - Plowing has been backed dragged from the driveway and pushed in front of the office on to the Summer St lawn. The same contractor is used as does the St. Monica's Parish/neighbors currently.
 - The rental house is currently vacant and will be sold if subdivision is approved.

III. DECISION and CONDITIONS

The DRB deliberated on the submission of the proposed subdivision. Based on the information presented in the application, at the hearing and discussed during deliberation, the DRB made the following motion:

Approve sketch plan including the waiver for dimensional requirements for subdivision and is conditional on the applicant submitting the survey and full plans in 1 year per regulations. In addition, the DRB authorizes the Permit Administrator be allowed to approve any immaterial or non-substantial changes to the subdivision plan without having to come back before the DRB for revision.

The motion passed by a vote of 8- 0 - 0 and is therefore **APPROVED**.

Dated at Barre City, Vermont, this 11th day of December, 2024.

Sarah Helman
Sarah Helman, Vice Chair

IV. APPEAL RIGHTS

The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**CITY OF BARRE, VERMONT
DEVELOPMENT REVIEW BOARD
HEARING: DECEMBER 5, 2024
NOTICE OF DECISION FOR 10 BROOK STREET**

I. INTRODUCTION and PROCEDURAL HISTORY

1. This proceeding involves a request for a Conditional Use approval for a garage door of a Historical Building from the Development Review Board (the DRB).
2. On October 9, 2024, Casey Harrington (the “Applicant”) filed a City of Barre zoning application (the “Application”) and November 12, 2024 the additional supporting documentation seeking approval for the proposed Conditional Use approval for a garage door, at 10 Brook Street (the “Project”). The owner of the subject property (the “Property”) is Baron Properties LLP and a partner Casey Harrington (the “Owner”).
3. The property is located at 10 Brook Street, tax map ID# 0240-0010.0000, SPAN # 036-011-10658. It is currently a historical building, in the MU-1 Zoning District, on 0.16 acres. The property is bounded by commercial buildings, parking lot, a river and city street.
4. The December 5, 2024 Hearing was warned 15 days before; in the Wednesday, November 20, 2024 Times Argus issue per Vermont Statute 24 VSA §3105 (b)
5. On November 27, 2024, the Zoning Administrator sent to adjoining property owners a copy of the agenda with memorandum notifying them of the public hearing on the Project’s request. An agenda of the December 5, 2024 hearing with the memorandum was also sent to the Applicant and Owners on the same day. The Barre Historical Society was also notified on November 27, 2024 with a memorandum and agenda notifying them of the public hearing per ordinance.
6. A hearing of the DRB was held on December 5, 2024 in a hybrid format including in-person and digital participation. Present during the hearing were the following members of the DRB:

Linda Shambo,	Sarah Helman, Chair	Jayne Bauer	Chrysta Murray VChair
Colin Doolittle	Kendall Schmidt	Katrina Pelkey	Liz Turner

7. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested party an opportunity to participate as outlined in Vermont Statute 24 VSA §4465(b). The list of persons attending the hearing is included in the application packet, and listed:

Casey Harrington Owner

8. A presentation of the application was provided by the applicant at the December 5, 2024 Hearing. All application documentation, including a staff report prepared by the Permit Administrator in connection with the consideration of the application from the DRB Hearing, is on file in Barre City Hall.

II. FINDINGS and CONCLUSIONS

Based on the application materials, testimony by the Owner, the DRB makes the following findings and conclusions.

1. The property is located in the MU-1 Zoning District as described on the City of Barre's official Zoning Map and included in the Unified Development Ordinance (the "UDO", effective November 4, 2024).
2. Figure 4-1 of the UDO is Conditional Use Criteria that the applicant must demonstrate the proposed variance meets. Also, Section 2201, Section 2202. Section 4303 and Section 4306.
3. The Permit Administrator's Staff Report to the DRB identifies those standards for Conditional Use, Design Review Overlay, Historic Overlay District, Conditional Use Review and MU-1 District standards, and describes the consistency of this request against those standards.
4. The DRB afforded those in attendance an opportunity to provide testimony or evidence during the public hearing to consider, prior to rendering a decision.
5. During the hearing, the following testimony was provided by the Owner, Applicant and Hearing Participant:
 - C. Harrington provided some background that the church is not used and they use the side as overflow and don't conduct any business in the space.
 - They have recently had problems with homeless in the vestibule.
 - The late 70's/ early 80's it was a repair shop for boats and motor cycles and there was a cut out for a prior garage door which was covered over. He apologized for not getting a permit as he did not know.
 - The new garage door was gray in color and very basic to blend in
 - No prior pictures were provided and the garage door moved a little to keep the other window.
 - Where the garage door is currently located is higher than the opposite side where the flood waters come in. The heating system was damaged during the last flood and there is no heat in the building.
 - No curb cut was requested or needed as U-boats, trolleys and hand carts are used on the sidewalk.

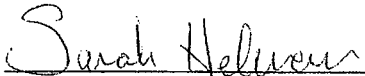
III. DECISION and CONDITIONS

The DRB deliberated on the submission of the proposed Condition of Use for a garage door on the Historical Building. Based on the information presented in the application, at the hearing and discussed during deliberation, the DRB made the following motion:

Approve conditional use of the garage door addition as presented while also conditioning that the Permit Administrator be allowed to approve any immaterial or non-substantial changes to the subdivision plan without having to come back before the DRB for revision.

The motion passed by a vote of 8- 0 - 0 and is therefore **APPROVED**.

Dated at Barre City, Vermont, this 17th day of December, 2024.



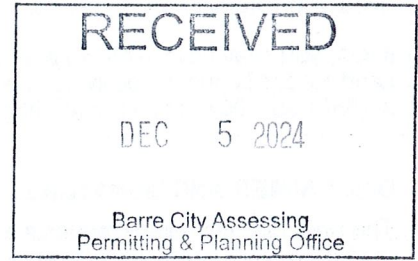
Sarah Helman, Chair

IV. APPEAL RIGHTS

The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.



City of Barre, Vermont
 "Granite Center of the World"



COVER SHEET

Please provide all of the information requested in this application. Failure to provide all the required information may delay the process for obtaining a permit.

PHYSICAL LOCATION OF PROJECT (911 address): 30 Lawrence Avenue

APPLICANT	PROPERTY OWNER (if different than applicant)
Name: <u>Laura Davenport</u>	Name: _____
Mailing Address: <u>30 Lawrence Avenue</u> <u>Barre, VT 05641</u>	Mailing Address: _____
Daytime Contact Phone: <u>(802) 595-1609</u>	Daytime Contact Phone: _____
Email: <u>Lauradavenport@gmail.com</u>	Email: _____

Mail all permit Materials to: **APPLICANT** or **OWNER** (circle one)

PRESENT USE(S) OF PROPERTY

Single Family
 Single Family w/ADU
 Duplex
 Triplex (3-unit)
 Quadplex (4-unit)
 Multi-Family (5 or more units)
 Comm/Mixed Use
 Industrial
 Institutional
 Vacant Building
 National Register of Historic Building?
 Other: _____

PERMIT(S) BEING APPLIED FOR UNDER THIS PROJECT

Zoning Permit
 Flood Hazard Permit
 Building Permit
 Electrical Permit
 DRB Decision

PROPOSED USE(S) OF PROPERTY

Same as Existing
 Additional Bedrooms? Y N
 New Principal Building
 Any work within the City right-of-way? Y N
 Major Renovation to existing principal building
 Any change in water or sewer service? Y N
 Accessory Structure >120 ft²
 Removing Fill <10 cy²
 Construction Cost Estimate: \$ _____
 Adding Clean Fill <10 cy²
 Parking Spaces added. How Many? _____
 Subdivision
 Boundary Line Adjustment
 Other: _____

PROJECT DESCRIPTION
 I plan to add an ADU to my garage. The steep topography of my driveway makes it impossible to add extra vehicles on that side. Additionally, I plan to sell my adjacent lot to be developed. It is currently landlocked on Angela Avenue, a paper road. By giving a right of way to 25 Angela Avenue I can increase housing potential in Barre.

For Office Use Only:

Zone Dist: R4
 DRO? Y N
 HRO? Y N
 Flood Area Zone: X
 Fees Rec'd: \$ 175.00
 Code Enforcement Review
 Administrative Permit
 Referred to the VTANR for Floodplain Review
 Referred to the DRB
 B _____
 Z 24 - 000083
 F _____
 E _____

The minimum requirements for a site plan are property lines, streets, existing and proposed structures, setbacks from property lines of proposed structures, scale, north arrow.

Does your project involve new construction, addition, alteration, renovation or repair to a structure? Y N


If yes, you may have to record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Building Certificate of Occupancy. Please contact Energy Code Assistance Center at (855) 887-0673 or on line at: <https://publicservice.vermont.gov/efficiency>.

DISCLAIMER AND SIGNATURE

The undersigned hereby requests a permit for land development as described in the Project Description and certifies that the information presented is true and accurate to the best of my knowledge, and understands that if the application is approved, any permits issued, and any attached conditions will be binding on the property.

I understand that permits run with the land, and that the compliance is ultimately the property owner's responsibility. I understand that if more information becomes available to staff, additional review and fees may be required. I also understand that this permit, if issued, will be deemed null and void in the event any material information upon which it is based is found to be incorrect or misrepresented.

Further, the undersigned authorizes the Permit Administrator and/or the Building Inspector access, at reasonable times, to the property covered by the permit issued under this application, for the purposes of ascertaining compliance with said permit.

<u>Laura G. Davenport</u> APPLICANT (print)	<u></u> APPLICANT (signature)	<u>12/5/2024</u> DATE
_____ PROPERTY OWNER (if different than Applicant-print)	_____ PROPERTY OWNER (signature)	_____ DATE

This cover sheet is for a local City of Barre, VT permits only. Your project may also require State permits. You retain the obligation to identify, apply for, and obtain relevant State permits. For potential Dept. of Environmental Conservation permits, you are advised to visit the Permit Navigator Portal at <https://dec.vermont.gov/permitnavigator>; You are also advised that State construction permits may be needed, and to check with the Department of Public Safety, at (802) 479-4434 to determine what permits, if any must be obtained by that Agency; <https://firesafety.vermont.gov/buildingcode/permits>.



City of Barre, Vermont

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ZONING PERMIT APPLICATION

Check all activities involved in this application:

<input type="checkbox"/> New Home or Garage Construction	<input type="checkbox"/> Site Work
<input type="checkbox"/> All other construction/addition/alteration	<input type="checkbox"/> Pool (if greater than 20' wide or 5' in depth)
<input type="checkbox"/> Accessory Structure, greater than 120 sq. ft.	<input type="checkbox"/> Construction Job Trailer
<input type="checkbox"/> Interior Renovation (adding a bedroom)	<input type="checkbox"/> Permanent Sign
<input type="checkbox"/> New apartment	<input type="checkbox"/> Temporary Sign/Banner
<input type="checkbox"/> Accessory apartment	<input type="checkbox"/> Sandwich Board Sign
<input type="checkbox"/> Deck – porch – steps – ramp – handicapped ramp	<input type="checkbox"/> Home Occupation/Business
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Boundary Line Adjustment/Subdivision
<input type="checkbox"/> Demo in Historic District (needs DRB approval)	<input type="checkbox"/> Parking Lot
<input type="checkbox"/> Fence or Wall	<input type="checkbox"/> Soil / Sand / Gravel Extraction
<input type="checkbox"/> Temporary Structure	<input checked="" type="checkbox"/> Dimensional Waiver/Appeal/Variance Request (DRB approval)
<input type="checkbox"/> Temporary Certificate of Compliance	<input type="checkbox"/> Certificate of Compliance
<input type="checkbox"/> Other: _____	

ESTIMATED COST OF PROJECT: \$ 2,000.00

Fee for starting work without a permit is \$150
If work has begun prior to applying for and receiving a permit(s), you are in violation of City Ordinance and are required to pay \$150 after-the-fact fee in addition to the subtotal fee calculated at bottom.

ZONING APPLICATION FEES (check all that apply)¹:

Cost of Residential Development:

Cost of Commercial Development:

<input type="checkbox"/> \$20 Residential 1-4 Units (\$1 - \$5,000)	<input type="checkbox"/> \$50 Comm., Indus., Mixed Use, Res 5+ Units (\$1 - \$10,000)
<input type="checkbox"/> \$40 Residential 1-4 Units (\$5,001 - \$10,000)	<input type="checkbox"/> \$100 Comm., Indus., Mixed Use, Res 5+ Units (\$10,001 - \$25,000)
<input type="checkbox"/> \$75 Residential 1-4 Units (\$10,001 - \$25,000)	<input type="checkbox"/> \$200 Comm., Indus., Mixed Use, Res 5+ Units (\$25,001 - \$150,000)
<input type="checkbox"/> \$100 Residential 1-4 Units (\$25,001 - \$150,000)	<input type="checkbox"/> \$300 Comm., Indus., Mixed Use, Res 5+ Units (\$150,001 - \$350,000)
<input type="checkbox"/> \$150 Residential 1-4 Units (\$150,000 +)	<input type="checkbox"/> \$400 Comm., Indus., Mixed Use, Res 5+ Units (\$350,000 +)

Specific Usage Costs (check in addition to above if they apply):

<input type="checkbox"/> \$40 Site Work	<input type="checkbox"/> \$50 Subdivision Final Plat Approval
<input type="checkbox"/> \$40 Permanent Signs	<input type="checkbox"/> \$40 Boundary Line Adjustment
<input type="checkbox"/> \$40 Sandwich Board Sign	<input type="checkbox"/> \$40 Fences / Walls
<input type="checkbox"/> \$30 Temporary Sign/Banner	<input type="checkbox"/> \$30 Certificate of Compliance (project specific)
<input type="checkbox"/> \$40 Change of Use	<input type="checkbox"/> \$15 Temporary Certificate of Compliance (project specific; +\$10/mo up to an additional 12 mo.)
<input type="checkbox"/> \$40 Home Occupation/Home Business	<input type="checkbox"/> \$20 Temporary Structure
<input type="checkbox"/> \$20 Subdivision Sketch Plan Approval	<input checked="" type="checkbox"/> \$175 Development Review Board Fee

¹ If more than one category applies, the higher fee is required of all checked.

FEE SUMMARY:

Subtotal of Fees from above:	175.00
After-the-fact Fee (if applicable, \$150)	
Required Land Record Recording Fee (DRB exempt from this recording fee)	\$ 15.00 *
Zoning Permit Application Fee Total:	175.00

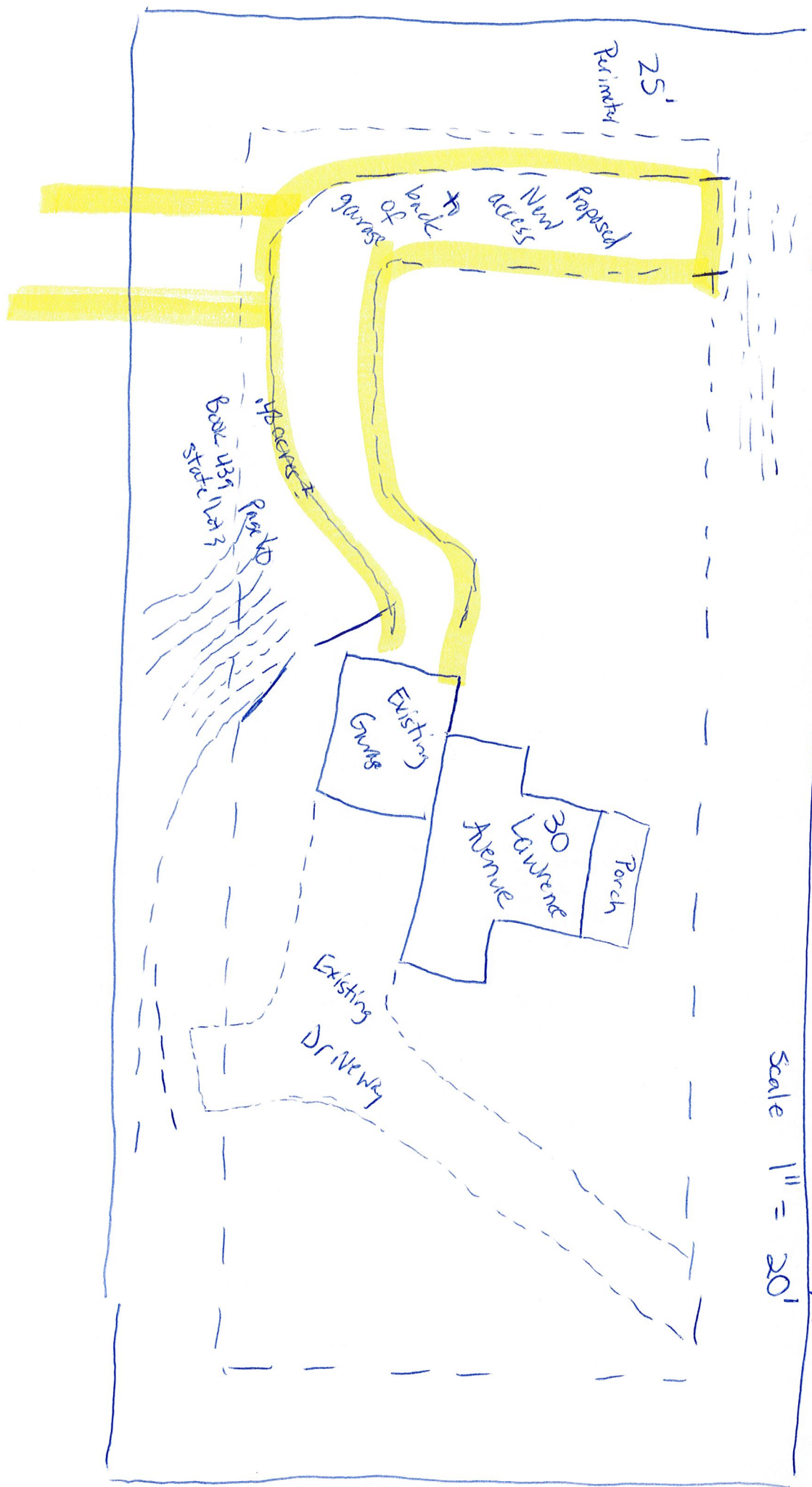
* Development Review Board Hearing Fee ONLY \$175 (no recording fee required)

Laura Dunsperg
30 Lawrence Avenue
Barn, VT 05741

Sketch based on recent
Survey drawings

Errors are my own
12/3/2024
Laura Dunsperg

Scale 1" = 20'



- proposed changes -

- LEGEND**
- ROAD RIGHT OF WAY LINE
 - PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - SETBACK LINE
 - EDGE OF PAVEMENT
 - STONE RETAINING WALL
 - GUARD RAIL
 - WIRE FENCE
 - OVERHEAD UTILITY LINE
 - IRON ROD FOUND (OAL, HT)
 - IRON PIPE FOUND (OAL, HT)
 - GRANITE BOUND FOUND
 - REBAR SET W/ LD CAP
 - P.K. NAIL SET FLUSH
 - UTILITY POLE
 - PER REFERENCE #
 - NOW OR FORMERLY
 - SEWER MANHOLE
 - CATCHBASIN
 - CIRCS STOP/WATER SHUT OFF
 - PIPE HYDRANT

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN VERMONT STATUTES AND THE REGULATIONS UNDER MY DIRECT SUPERVISION BY THE BOARD HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

7/16/2024 *William R. Chase*
 DATED: WILLIAM R. CHASE RLS #642 VERMONT
 NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

REFERENCES:

1. A PLAN ENTITLED WEST VY PLACE, PLAN SHOWING DIVISION OF LOTS, CITY OF BARRRE, VERMONT, DATED OCTOBER, 1893 AS FOUND IN THE CITY OF BARRRE RECORDS FOR CONFORMANCE OF STREETS TO CITY.
2. A PLAN ENTITLED "PROPERTU SURVEY, FEETEAU RESIDENTIAL, INC., ANGELA, BROWN & LAWRENCE AVENUES, BARRRE CITY, VERMONT" BY THIS FIRM, MOST RECENTLY REVISED JULY 24, 2009 AS FOUND IN THE STATE PERMIT DATABASE, PERMIT # WM-52991.
3. A PLAN ENTITLED "SUBDIVISION SURVEY IN BARRRE, VERMONT FOR VICTOR E. & VOLA E. ALDRICH" BY AMERICAN SURVEY COMPANY DATED OCTOBER 31, 2003 MOST RECENTLY REVISED NOVEMBER 3, 2003 AS FOUND IN THE STATE PERMIT DATABASE, PERMIT # WM-52991.
4. A PLAN ENTITLED "SURVEY/MERGER PLAN, LAURA DAVENPORT, 30 LAWRENCE AVE & ANGELA AVE, CITY OF BARRRE, VERMONT" BY THIS FIRM, WILLIAM R. CHASE TO BE RECORDED IN THE CITY OF BARRRE LAND RECORDS.

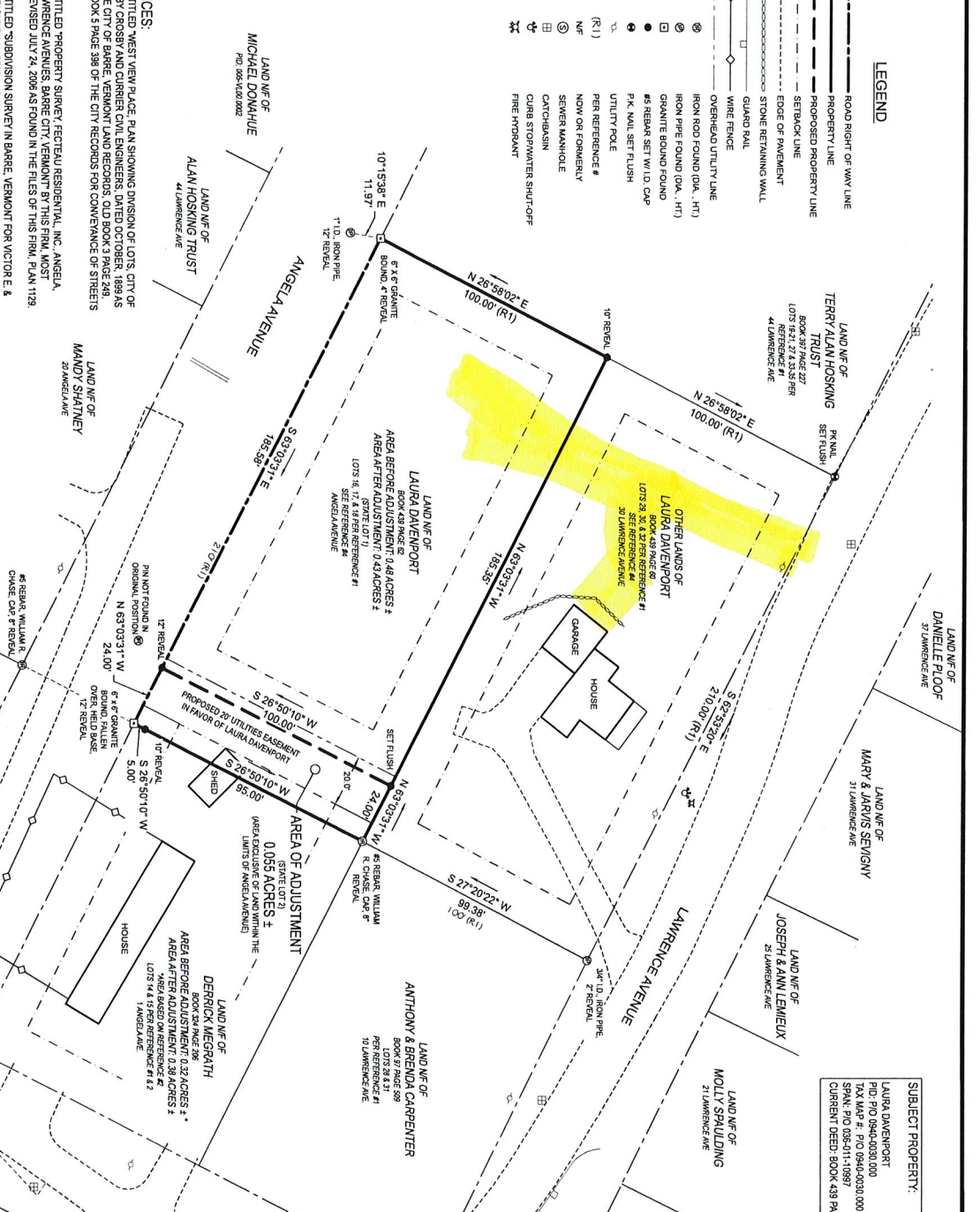
SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE S8 ROBOTIC TOTAL STATION, A GEMMA ZOOM 60 TOTAL STATION, ORA GEMMA ZENITHS PRO SINS RECEIVED WITH A PRECISION WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION PROVIDED BY OWNERS AND ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. ONLY EASEMENTS AND/OR RIGHTS-OF-WAY ENCOUNTERED DURING RECORD RESEARCH NECESSARY TO DETERMINE PARCEL BOUNDARIES HAVE BEEN DEPICTED HEREON. THE PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS.
5. BEARINGS SHOWN HEREON ARE STATE PLANE GRID NORTH BASED ON CORRS-CORRECTED GPS OBSERVATION (NAD 83, VT ZONE 440). VERTICAL CURS STATION, SCALE FACTOR 1). BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS WILL BE NOTED DUE TO DIFFERING METHODOLOGIES BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
6. THE LIMITS OF LAWRENCE AVENUE & ANGELA AVE ARE BASED ON SURVEYS OF RECORD AND MONUMENTATION FOUND.
7. THE PROPOSED LOTS SHOWN HEREON HAVE BEEN DRAWN AS DIRECTED BY THE OWNER & ARE BELIEVED TO BE IN CONFORMANCE WITH LOCAL REGULATIONS.

BOUNDARY LINE ADJUSTMENT
LAURA DAVENPORT
 30 LAWRENCE AVE & ANGELA AVE
 CITY OF BARRRE, VERMONT

SCALE: 1" = 30'
 DRAWN BY: TOM | CHECKED BY: WNC | EMBOSSED: 24/678 | DWG #: 238404
 DATE: 5/17/2023 | PROJ #: 2023.040 | SHEET: 5/8/21

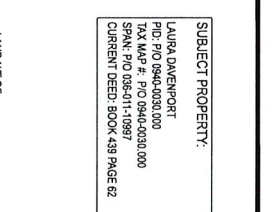
Chase
 Surveyors & Septic
 Designers, Inc.
 301 North Main Street, Suite 1
 Barre, Vt. 05641
 802.479-9636



ZONING INFORMATION

ZONE R-4: RESIDENTIAL 4 DISTRICT
 (EFFECTIVE JANUARY 7, 2020)

MIN. LOT SIZE: 10,800 SQ. FT.
 MIN. LOT FRONTAGE: 80'
 SETBACKS:
 FRONT: 15' (R.O.W.)
 SIDE: 15'
 REAR: 15'
 MAX BUILDING HEIGHT: 35'
 MAX LOT COVERAGE: 50%
 MAX DENSITY: 1 DU PER 10,800 SQ. FT.



SUBJECT PROPERTY:

LAURA DAVENPORT
 PID: PO 0840-0030.000
 TAX MAP #: PO 0840-0030.000
 SPAN: PO 088-011-10987
 CURRENT DEED: BOOK 439 PAGE 62

GRAPHIC SCALE

1" = 30'



30 Lawrence

City of Barre, VT

1 inch = 68 Feet

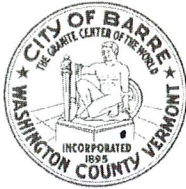


www.cai-tech.com

December 5, 2024

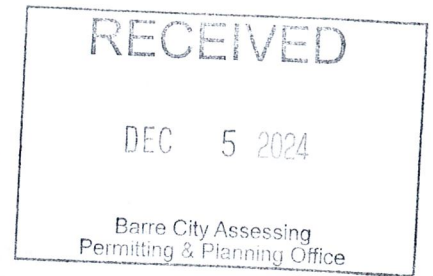


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



City of Barre, Vermont

"Granite Center of the World"



Permitting Office in City Hall ~ 6 N Main Street, Suite 2, Barre, VT 05641

VARIANCE REQUEST FORM

This Variance Form supplements the Zoning Permit Application. Please provide all of the information requested in all application forms. We urge you to read the Zoning Regulations and familiarize yourself with them. Failure to provide all the necessary information may cause a delay in processing this application. Please use additional paper if necessary.

The purpose of a Variance is to address a hardship, related to the physical characteristics of a particular lot, which hampers the owner from enjoying the same property rights afforded to others in the District. The Appellant must meet all of the criteria below to be granted a Variance 24 VSA §4469(a).

1. The proposed development will not alter the essential character of the neighborhood in which the property is located;

A. How is your property currently being used (single family, multi-family, farm, retail store, commercial)?

single family with a hope to build an ADU over the garage. Part of my reasoning to move to Barre was the potential to increase housing options,

B. If the DRB grants your request, how will it change the neighborhood, or contribute to it, especially the adjoining property owners?

Like all the work I have done, it's improving the neighborhood by improving property values, by accessing an ADU and a landlocked lot that could then be developed which might also have an ADU. It could help with access to three housing units (my ADU, new home on 25 Arzela & an ADU there.)

2. The proposed development will not substantially or permanently impair the lawful use of development of the adjacent property;

the adjacent lot has other access and this doesn't impair their lot at all. All their use is > 25 feet away from boundary due to steep hillside.

3. The proposed development will not be detrimental to public health, safety or welfare.

No, in fact I think this simple move will add three potential residences to the city tax rolls without impacting the neighbors negatively.

4. The applicant has not created the unnecessary hardship.

A. Is the hardship due to the circumstances or conditions indicated in #6 below?

Yes No (if No, please describe)

My steep driveway and the shape of the lot prevents other cars from using it. This proposal makes my other lot saleable and provides adequate access and parking for my future ADU, driveway for a home at 25 Angela + a potential ADU there too.

B. What hardship would occur if you were unable to complete the work for which you have applied?

I would not be able to add an ADU to supplement my income & provide a housing unit. I want to help the city provide more housing in the city.

5. The applicant is proposing the least deviation possible from this ordinance that will afford relief.

A. Is there any way your project could be redesigned to eliminate its need, or decrease the amount of variance requested?

NO, given topography this is the very best solution.

6. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of a lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of this ordinance in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances conditions prevent the property from possibly being developed in strict conformity with this ordinance and a variance is necessary to enable reasonable use of the property.

A. Does your lot have any of the following – check all that may apply: seasonal run off
 Steep slopes rock or ledge shallow lot depth(s) stream, brook or other watercourse any other unique physical circumstances none of these
where a driveway might look like it could go by the current curb cut.

i. Do other properties in your neighborhood have the same physical features as above? Yes No

ii. Do these circumstances or conditions prevent you from carrying out the proposed work in compliance with the regulations? Yes No

If No, please describe:

The driveway where I park is steep and narrow. The other side has an incline as well but it will be passable. It is not as steep.

iii. When did you purchase the property? Dec 2022

iv. At the time you purchased the property, were you aware of these circumstances or conditions you indicated as checked above? Yes No

If No, please describe:

At purchase, I was not considering an ADU nor had
I experience with the steep icy driveway.

Are there any additional comments or responses you would like to add?

I would ask DRB to grant this request in accordance with
the need for more housing in the City. I think this proposal has
benefits to the City and neighborhood.

SIGNATURE:

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

James J. Davenport
Applicant Signature

11/12/2024 to 12/5/2024
Date

DEVELOPMENT REVIEW BOARD STAFF REPORT

Regular Hearing held on Thursday, January 2, 2024 ~ 7:00 P.M.

Laura Davenport – 30 Lawrence Street. Seeks curb cut variance, R-4 Zoning District.

2005 Dimensional Standards

2005.E Lot or Street Frontage. All lots must front on a public or private street as specified in each zoning district and in accordance with the following:

- (1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private street must have access to such a street over a permanent easement or right-of-way not less than 20 feet wide for single- and two- family residential lots and 40 feet wide for all other lots. **The applicant will need to provide a permanent easement or right of way of 40 feet.**
- (2) **Corner Lots.** Lots that front on more than one street will only be required to meet minimum frontage requirements on one street. **N/A – not a corner lot**
- (3) **New Lots.** All new lots created under this ordinance must have the minimum frontage on a maintained public or private street unless the Development Review Board: **This is not a new lot and was subdivided earlier.**
 - (a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this ordinance; **N/A as the proposed driveway if granted will meet width requirement and the necessary Easement or Right of Way of 40' as required in #1 above.**
 - (b) Approves a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots or lots accessed by a shared driveway; or **N/A as the proposed driveway if granted will meet driveway width regulations and an Easement or Right of Way from #1 above**
 - (c) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement. **N/A as this is a R-4 (Residential) Zone.**

3002 Access

3002.A Applicability. All land being developed must have vehicular access from a maintained street in accordance with the provisions of this section. For lots without frontage on a maintained street, also see Subsection 2005.E. (above) **25 Angela Ave currently does not have a maintained street for frontage only a paper street in existence.**

3002.B Access Permit. An applicant for development to be served by a new curb cut on a city

street or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the city or state for the curb cut as applicable, before the Zoning Administrator may issue a zoning permit. **Permit Administrator emailed the Public Works Director, Brian Baker for feedback.**

3002.C Public Works Specifications. If there is a conflict between a provision of this section and a provision of the city's Public Works Specifications, the Public Works Specifications will take precedence. **Emailed the Public Works Director for any concerns, details and feedback.**

3002.D Curb Cuts. New and modified curb cuts on a city street or state highway must conform to the following:

(1) Number. A lot must not be served by more than one curb cut except that:

(a) The Development Review Board may approve a waiver allowing more than one access on a lot if the applicant can demonstrate that it is necessary to:

(i) Accommodate unique physical conditions on the property, including inadequate space to allow turning a vehicle around; **Applicant has shared that the driveway is very steep and not enough room for parking as well as the topography of the land is challenging and access to 25 Angela Ave difficult**

(ii) Meet minimum standards for emergency access; **This would apply to the ADU and the proposed driveway to 25 Angela Ave.**

(iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act; or **Unsure**

(iv) Improve the safety of traffic circulation within the site. **Applicant believes it will help as the current driveway is very steep and icy in the winter. It would allow more parking and access to 25 Angela Ave.**

(b) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety. **Currently the property is subdivided (30 Lawrence & 25 Angela Ave) and there are plans for development.**

(2) Width. The width of a curb cut as measured at the edge of the street right-of-way must not exceed the distance specified below unless otherwise recommended by the Director of Public Works (this will include reducing the width of existing nonconforming curb cuts if they are modified or resurfaced):

(a) 12 feet for curb cuts serving single- and two-family dwellings **Applicant requesting driveway and curb cut for ADU and 25 Angela Ave— does not meet this requirements if granted access for both.**

(b) 16 feet for curb cuts serving multi-family dwellings **This would apply for the potential plan if granted access to ADU and 25 Angela Ave.**

(c) 20 feet for curb cuts serving non-residential uses not frequently accessed by trailer

Trucks **N/A**

(d) 24 feet for curb cuts serving non-residential uses frequently accessed by trailer trucks
N/A

(3) Sidewalks. Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified or resurfaced). **N/A -No Sidewalk.**

(4) Aprons. Where a sidewalk does not exist and will not be constructed along the frontage, the curb cut must be designed with a minimum 3-foot paved apron. **This information was shared with the applicant prior to submission.**

(5) Spacing. There is no spacing requirement for curb cuts serving single- and two- family dwellings. All other new curb cuts must conform to the standards below unless otherwise recommended by the Director of Public Works, **Applicable if granted for proposed ADU but may be multi – family with 25 Angela Ave access.**

(a) A new curb cut must be aligned with any existing curb cut on the opposite side of the street whenever feasible, and if not feasible, the centerlines must be offset by at least 30 feet. **Per the proposal the driveway/curb cut will be lined up fairly close to the opposite side of the street.**

(b) A new curb cut must be separated from existing curb cuts on the same side of the street by at least 45 feet (as measured from centerline to centerline). **Met – As 30 Lawrence Ave has a 210 feet frontage with proposed driveway/curb cut being opposite ends of the property. The next property 44 Lawrence has a driveway on the other end of the property with the same amount of frontage and far enough away from the proposed driveway/curb cut.**

3002.E Cross Access. Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection to abutting undeveloped, commercial or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in a residential zoning district). As a condition of site plan approval, the applicant may be required to: **N/A – not subdividing or developing commercial or industrial lots.**

(1) Fully construct the cross access to the edge of his/her property; **N/A**

(2) Partially construct the cross access to the edge of his/her property (ex. install the base but not the final surface); or **N/A**

(3) Provide an easement and legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property). **N/A as not commercial or industrial but recommended that this driveway and curb cut if granted have an easement and legally binding agreement as part of the variance if granted.**

3002.F **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet at an intersection. This will not be interpreted to apply to buildings constructed in accordance with district standards. **Needs to be met, if granted as part of clearing for the curb cut and driveway.**

3002.G **Paper Streets, Class 4 Roads and other Unimproved Rights-of-Way.** A paper street, Class 4 road or other unimproved right-of-way is not a maintained street and cannot be used to meet the access requirements of this ordinance. No provision of this ordinance will be interpreted to require Barre City to construct a street, maintain a Class 4 road or other unimproved right-of-way, or to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 street so that it may serve to provide access to adjoining property. Applicants may propose to construct a street, upgrade a Class 4 road or other unimproved right-of-way to a Class 3 street at their expense and in accordance with city policies and standards so that it may serve to provide access to proposed development. **N/A as no roads are being built but a driveway to access an ADU and the property at 25 Angela Ave.**

3010 **Driveways**

3010.A **Applicability.** New, extended or modified driveways serving the proposed development must conform to the standards of this section. A driveway may serve not more than 3 lots (a vehicular travel way proposed to serve more than 3 lots will be considered a street and must conform to the standards of [Subsection 3305.A](#)). **This will only serve 2 lots not 3 lots – therefor a driveway.**

3010.B **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of the city's Public Works Specifications, the Public Works Specifications will take precedence. **Duly noted.**

3010.C **Technical Review.** The Zoning Administrator will forward all applications for new, extended or modified driveways to the Barre City Director of Public Works and the Director of Public Safety for review and comment. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments. **The application was shared December 26, 2024 with the Director of Public works, the Police Chief & the Fire Chief for comments.**

3010.D **Design Standards.** Driveways must conform to the standards of [Figure 3-2](#) and the following:

(1) **Angle.** Driveways must intersect the street at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the street at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic. **Noted**

(2) **Width.** Driveways must not exceed a maximum paved width of 24 feet, exclusive of any turnaround area. The Development Review Board may approve a waiver to allow a wider driveway if the applicant can demonstrate that it is necessary to: **Applicant did not specify the width of the driveway needing to be larger than 24 feet.**

- (a) Accommodate unique physical conditions on the property; **N/A**
 - (b) Serve trailer trucks; **N/A**
 - (c) Meet minimum standards for emergency access; **N/A**
 - (d) Meet the minimum standards of the Americans with Disabilities Act; or **N/A**
 - (e) Provide improved traffic circulation within the site. **N/A**
- (3) **Drainage.** Driveways must:
- (a) Not block the flow of drainage in gutters or drainage ditches or pipes. **Noted**
 - (b) Not discharge run-off onto the traveled portion of the street. **Noted**
 - (c) Not generate run-off that would unreasonably contribute to an accumulation of stormwater or that would exceed the capacity of downstream facilities or infrastructure. **Noted**
 - (d) Be installed with culverts, where necessary, designed to carry run-off under the driveway. Such culverts must be sized to convey anticipated peak stormwater flows and be at least 18 inches in diameter, extend at least 2 feet beyond the driveway edges, and installed to minimize erosion damage at the inlet and outlet. It will be the applicant's responsibility to install and maintain such culverts. **Noted**
- (4) **Pull-Offs.** A driveway longer than 450 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 450 feet apart adequately sized and surfaced to accommodate emergency vehicles. **N/A – the width of both lots is 200'**
- (5) **Turnarounds.** A driveway longer than 300 feet must terminate with a parking and turnaround area not more than 50 feet from the principal building that is adequately sized and surfaced to accommodate emergency vehicles. **N/A –as width of both lots is 200' and likely will be shorter depending on location of house and garage at 25 Angela Ave.**

Figure 3- 2: Driveway Design Standards

	Minimum Paved Width	Maximum Grade
Serving 1 lot and not more than 300 ft long	9 ft	12% average
Serving 2-3 lots and not more than 450 ft long	12 ft	10% average
Serving 1 lot and more than 300 ft long	10 ft	12% over any 100-ft section
Serving 2-3 lots and more than 450 ft long	14 ft	10% over any 100-ft section

4405 Variances

4405.A The Development Review Board:

- (1) May approve variances that authorize adjustments to the dimensional standards of this ordinance under the specific circumstances described in this section. **Requesting a second curb cut on the property off from the same street to access an ADU and an adjacent lot.**
- (2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this ordinance. **– This area and surrounding properties are located in R-4 (Residential) and is allowable to increase density per regulations with an addition of a house and an ADU. The subdivision was already granted.**

4405.B The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed development; **- See attached zoning application submitted December 5, 2024**
- (2) A reference to specific provision(s) of this ordinance that the applicant is requesting a variance from; **- second curb cut and driveway off from same street.**
- (3) The specific modification(s) that the applicant is requesting; and **- see zoning application.**
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see Figure 4-2). **- See attached form with applicant's responses and chart below.**

4405.C The Development Review Board must hold a public hearing and act on the variance request in accordance with Chapter 100. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation. **- N/A – not a State Highway.**

4405.D To approve a variance, the Development Review Board must find that all of the applicable criteria specified in Figure 4-2 have been met as follows:

- (1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply. **– N/A not a renewable energy structure.**
- (2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply. **– N/A property not located in the Flood Hazard Overlay District.**
- (3) For all other variances, the general variance criteria apply. **See below.**

Figure 4- 2: Waiver and Variance Review Criteria

Conclusions

CRITERIA	GENERAL VARIANCE
<p>1 The proposed development will not alter the essential character of the neighborhood in which the property is located. Applicant's request will not change the essential character of the neighborhood but provide functionality and safety as well as access to a potential landlocked lot.</p>	<p>✓</p>
<p>2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property. The development will not substantially or permanently impair the adjacent properties. The applicant plans will actually aid in the development of the adjoining lot at 25 Angela Ave.</p>	<p>✓</p>
<p>3 The proposed development will not be detrimental to public health, safety or welfare. The curb cut will not be detrimental to public health, safety or welfare. This will provide additional access and safe parking to a proposed ADU above the garage and access to 25 Angela Ave.</p>	<p>✓</p>
<p>4 The proposed development is beneficial or necessary for the continued reasonable use of the property. N/A</p>	<p>–</p>
<p>5 The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy. N/A</p>	<p>–</p>
<p>6 The applicant has not created the unnecessary hardship. The applicant did not create a hardship. They currently have a steep driveway. Zoning currently requires 1 parking space per unit and if the ADU is added as planned this would allow safe access and parking to the garage as well as access to 25 Angela Ave and potential access to prevent further hardship by allowing access to 25 Angela Ave.</p>	<p>✓</p>
<p>7 The applicant is proposing the least deviation possible from this ordinance that will afford relief. The applicant proposal is offering the least deviation, which will provide access to two locations by granting the Variance.</p>	<p>✓</p>
<p>8 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. These conditions, and not the circumstances or conditions generally created by the provisions of this ordinance in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with this ordinance and a variance is necessary to enable reasonable use of the property. This addition of a curb cut/driveway will not prevent the property and neighboring property from being developed in strict conformity with this ordinance and a variance is necessary to enable reasonable use of the property and allow the safe required parking per regulations. The current driveway is very steep and the new proposed curb cut and driveway would allow access to the ADU above the garage and to 25 Angela Ave.</p>	<p>✓</p>

Based on evidence above the DRB concludes that the proposal meets the Variance Criteria. *(Pending DRB decision).*

Staff Recommendations

Approve the application as presented for variance review, as it is known at the time of this review.

If approved with the following conditions should be included:

1. Condition the Decision that the Zoning Administrator be allowed to approve any immaterial or non-substantial changes without having to come back before the DRB for revision.
2. A Permit must be obtained from the Director of Public Works which will include the 3 foot paved apron and the curb cut at the ordinance max for a multi-family dwelling of 12 feet and the driveway width at a max of 24 feet per regulation.
3. Applicant to provide an engineered drawing of the curb cut and driveway showing the plans and details with stormwater run-off for the proposed curb cut and driveway to the ADU and to the lot at 25 Angela Ave per regulations.
4. Applicant to provide a permanent easement/right of way with a legal binding agreement to be recorded in land records for future use for both 30 Lawrence Avenue and 25 Angela Avenue.