

Town of Landgrove
88 Landgrove Road
Landgrove, Vermont 05148

**Zoning Board of Adjustment
NOTICE OF DECISION
Application for Conditional Use Approval for Construction
in the Utley Flats Scenic Overlay Zoning District**

12 April 2017

Applicants:	Michael Jeffery
Landowner(s)	Michael and Marian Jeffery
Project Location:	8 Nichols Road
Application No.:	17-01-26
Parcel ID:	03 00 67

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves the review of a Conditional Use Approval for construction in the Utley Flats Scenic Overlay Zoning District under the Town of Landgrove, Vermont Zoning Bylaws, as adopted 13 July 2006.
2. The application was received by the Zoning Administrator on 26 January 2017. A copy of the application is available at the Landgrove Town Office.
3. The notice of public hearing was published in the *Chester Telegraph*, the *Vermont Journal*, and was posted on the town's website and on the message board located at the entrance to the Town Office.
4. A copy of the notice of public hearing and information concerning the application was mailed to all abutting property owners.
5. The following members of the Planning Commission / Zoning Board of Adjustment were present at the public hearing:
 - Charles Sweetman, Chair
 - Leigh Adams
 - Jerald Hassett
 - Harry Lux
 - Michael Morfit
 - Michael Mole

6. At the outset of the hearing, the ZBA afforded an opportunity for persons wishing to achieve status as an interested person under 24 VSA §4465(b) to demonstrate that the criteria set forth in the subsection are met. The ZBA granted interested person status to the following: Michael Jeffery

Mr. Jeffery was sworn in by the Board Chair at the beginning of the public hearing.

7. During the course of the hearing the following documents / exhibits were submitted to the ZBA:

- Application for a Zoning Permit
- Tax Map
- Photographs of the existing conditions
- Site Plan
- Architectural sketches

These exhibits are available for review at the Landgrove Town Office.

8. No formal site visit was scheduled. The property is visible from Nichols and Hapgood Pond Roads and ZBA members were encouraged to inspect the site at their convenience.

FINDINGS OF FACT

1. According to the Landgrove Zoning Administrator and the Landgrove Zoning Bylaws, the property is located within the Scenic Overlay District and thus requires review under the following section of the zoning bylaws:

Article V: Utley Flats Scenic Overlay District
Sections 510 through 560

2. The applicant seeks Conditional Use Approval for the construction of a 14' x 14' storage building to be attached to the existing garage at the residential property located at 8 Nichols Road, Tax Map Parcel #03 00 67.

3. Town of Landgrove Zoning Bylaws require that all development in the designated Utley Flats Scenic Overlay District be reviewed by the Zoning Board of Adjustment so as to ensure that the Development Standards as outlined in Section 540 are met.

4. The applicant requests approval to construct this addition in accordance with the Conditions of Approval (Section 560, a through e)

5. The Zoning Administrator conducted the required visual analysis – viewing the proposed site of construction from various locations (Town Office, Nichols Road neighborhood, Hapgood Pond Road, etc.) – and concluded that the structure will not create adverse visual impacts when viewed from these critical off-site locations.

CONCLUSIONS

In conformance with the Town of Landgrove Zoning Bylaws (Article V, Sections 510 through 560) in effect on this date, for the Board to grant Conditional Use Approval for construction in the Utley Flats Scenic Overlay District, the Board shall impose conditions and restrictions consistent with the purposes and intents of the overlay district

DECISION AND CONDITIONS

At a deliberative session held on 12 April 2017, and based on the foregoing Findings of Fact and Conclusions of Law, the Zoning Board of Adjustment by unanimous vote of the members approve the application # 17 01 26 subject to the following conditions:

1. The project shall be completed as depicted on the submitted drawings.
2. All reasonable efforts shall be made to protect existing vegetation and to plant additional trees and shrubs so as to further shield the new construction.
3. The Conditions of Approval described in Section 560 (a – e) shall be met and maintained by the applicant.
4. Any deviation from the permit shall constitute a violation and the Zoning Administrator will be required to take enforcement action to correct the violation.

Dated at Landgrove, Vermont this 27th day of April 2017.

Charles Sweetman, Chair

Zoning Board members participating in this Decision:

Charles Sweetman
Leigh Adams
Jerald Hassett
Harry Lux
Michael Morfit
Michael Mole

NOTICE: This Decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Planning Commission / Board of Adjustment. Such appeal must be taken within 30 days of the date of this Decision, pursuant to 24 VSA § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.