

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

LAURA SCOTT

APPLICATION TO CONSTRUCT AN ACCESSORY BLDG IN THE RIVER CORRIDOR AND
VARIANCE

September 29, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Laura Scott to construct an accessory building in the river corridor and a Variance under Article 8 Section 8.5 (C) and Article 5, Section 5.3 of the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The application was received by the Zoning Administrator on **August 25, 2022.**
3. **Reason for Application:** Hazard Area Review, Relief from required ROW setback and minimal flood plain interference.
4. A **Public Hearing** was warned for **September 29, 2022**
5. Notice of the Hearing was posted on **September 8, 2022** at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in **The St. Albans Messenger on September 13, 2022.**
6. This application was considered by the Montgomery Development Review Board at a **Public Hearing on September 29, 2022, at the Montgomery Public Safety Building, Conference Room.**
7. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, John Kuryloski, Suzanne Wilson and Mary Garceau. Zoning Administrator, Ellen Fox.** Applicant, Laura Scott was present and visitors included Michael Scott, Allan Morton, Amy Allen, Claudia Renchy Morton, Suzanne Dollois and Hugh Doheny.
8. At the outset of the **Hearing, Parma Jewett Chair of The Development Review Board** asked if any Board members felt they had a conflict of interest. None claimed a conflict.
9. All parties wishing to offer testimony were sworn in.

FINDINGS

Based on the Application, sworn testimony, exhibits, and other evidence the **Development Review Board** makes the following findings:

1. The subject property is a 1.4 acre property located at 323 Nutting Rd in the **Town of Montgomery, Vermont. Parcel ID #35.010X.**
2. This property is located in the **Rural Residential District** as described on the **Town of Montgomery Official Zoning Map** on record at Town of Montgomery Municipal Office and Section 4 of the **Town of Montgomery Zoning Regulations.**
3. The application requires review under the following sections of the **Montgomery Zoning Regulations:**
 - a. Article 5, Section 5.3 Variance Approval
 - b. Article 4.2 Rural/Residential, Minimum lot dimensions
 - c. Article 8, Section 8.5 (C)

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Findings of Fact

1. Applicant wishes to build a 16X12 ft. accessory building on their 1.4 acre lot.
2. They have located the building as far from the river corridor as possible, which would require them to request a Variance as the building would be only 18 ft from the road Right of Way.
3. The property slopes down from the road and the only flat place on the property is the space they have chosen which is evident on photos and drawing submitted.
4. Given the degree of slope and additional topographical constraints of the river property cannot be developed in conformity with the provisions of the current Zoning Regulations.
5. There are no power line ROW restrictions.
6. There will be no unnecessary hardship created by the applicant.
7. There is a well head on the property.

DECISION

Moved by Mary and seconded to **APPROVE** the request for Variance request for a Variance to build an accessory building within the front yard setback..

Based upon the findings, the Montgomery Development Review Board concludes that the request for a Variance at 323 Nutting Rd be **APPROVED**. **Roll Call Vote: Parma - YES; Lynda - YES; John - YES; Suzanne – YES; Mary - YES. Motion passed 5-0.**

A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person or body appearing and having been heard at the Hearing, and the Clerk of Montgomery as a part of the Public Records.

An Interested Person may appeal a decision of the Development Review Board to the Environmental Division, in writing, within thirty days of the date the decision was issued.

If no appeal of the decision is filed within the thirty (30) day appeal period, all parties shall be bound by the decision and shall not thereafter contest it. Section 4472 (d).

Dated at Montgomery Center, Vermont, this 20th day of October, 2022

