TOWN OF BRANDON DEVELOPMENT REVIEW BOARD APPLICATION FOR VARIANCE FINDINGS AND DECISION

In Re: Landowner: School House LLC Applicant: Matthew & Courtney DeBisschop

Permit Application No. 5873

Introduction and Procedural History

This proceeding involves review of an application for variance submitted by landowner School House LLC and applicant: Matthew & Courtney DeBisschop under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on February 2, 2017. A copy of the application is available at the Brandon Town Office, 49 Center St., Brandon, VT.

On March 8, 2017, a notice of public hearing was published in "The Reporter."

On March 3, 2016, notice of public hearing was posted at the following places:

- a. The bulletin board outside the Town Office, 49 Center St., Brandon.
- b. The bulletin board in the lobby at Lake Sunapee Bank, 2 Park St., Brandon
- c. The bulletin board outside Dave's Forest Dale Grocery, North St., Brandon.

On March 3, 2017 a copy of the notice of the public hearing was mailed by certified mail to the applicant and sent to the adjoining property owner by regular mail. List is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The application was considered by the Development Review Board at a public hearing which was opened and closed on March 29, 2017.

The Development Review Board reviewed the application under the Town of Brandon Zoning Bylaw, as approved May 7, 2012.

Present at the hearing were the following members of the Development Review Board: Samantha Stone, John Peterson, Amber Lovely-Lee and Tom Bohler.

Anna Scheck, Zoning Administrator and Matthew DeBisshop were sworn in.

No exhibits were submitted to the Board.

FINDINGS

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

The applicant seeks a variance to construct a 26' by 44' mobile home with a variance to the setback.

The proposed change does not meet minimum setback requirements in the Aquifer District in order to be in compliance under Section 503 of the Brandon Land Use Ordinance.

The subject property is a .19 acre parcel located at 22 Middle Road in the Town of Brandon (tax map no. 16-20-11).

The property is located in the Aquifer District as described on the Town of Brandon Zoning Map on record at the Town of Brandon municipal offices.

The setback requirement is 30 feet.

The variance is for the setback to be 7' to the edge of the right of way and 20' from the side of the lot.

The lot size and shape was pre-existing. The owner did not create the lot. The lot is very narrow and the exact dimensions are not recorded on the deed for the land.

This is a residential lot bought from the Town of Brandon as part of a tax sale and the property was purchased as is.

The setback of the property represents the least modification to the Land Use Ordinance while allowing reasonable use of the property. Owner of the property is matching the setback of the neighboring houses.

The building of the mobile home will not alter the character of the neighborhood, a conscious effort was made to maintain the same set backs as the neighboring houses.

The footprint of the house is being reduced and this will bring more conformity to the land use ordinance.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 4-0 to grant the variance #5873 to School House LLC and Matthew & Courtney DeBisschop to construct a 26' by 44' mobile home at 22 Middle Road Brandon, VT.

Dated at Brandon, Vermont, this day of 20

Samantha Stone, Chair

NOTICE: This decision may be appealed to Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such

appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.