

Town of Brighton
Development Review Board
Minutes of Hearing Held November 29, 2022

Re: Brent and June Dragon

Application No. 40-22

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(2) Neighborhood Residential District, of the Town of Brighton Zoning Bylaws was held November 29, 2022 on the above entitled application for a variance as filed by Brent and June Dragon. The proposed garage construction is at the residence at 1296 Pleasant St., Island Pond, Vermont. Due notice of said hearing was provided to the following adjacent property owners:

Peter R McClure
Jeffry & Heidi Toussaint
Alan & Virginia Wing
Joseph Davis & Jamie Dragon
Robert & Sharon Dexter
Brian Cross

Notices were mailed by Certified Return Receipt on November 14, 2022.

Public Notice was posted in three locations in town, namely, the Town Clerk's Office, and the bulletin boards outside the Island Pond Post Office and the Railroad Depot Building. It was also published in the Caledonian Record.

A site visit was held at subject property on November 29, 2022 at 2:30 p.m., with board members Pete Pedersen, Stacey Roese, Alan Wing, Michael Clarke, Alan Magoon and Margaret Muraca (Clerk).

Brent and June Dragon, the applicants, were present. Also in attendance was Annie Budrewicz.

At the site the applicants confirmed their intention to construct a two car garage next to the existing house. The proposed structure does not meet the setbacks defined in the zoning bylaws for the Neighborhood Residential District (Front 25 ft, Side-15 ft, Rear 35 ft.). A visual review of the property did not reveal the possibility of other locations for the garage that would meet the required setbacks. The placement of the septic tank would prohibit moving the structure forward towards the street. Measurements taken to property lines indicated that the front and side setbacks are met; however the measurement to the rear property line is 29 ft (requiring a 6 ft variance).

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above named board members present. Brent and June Dragon (applicants) were present.

The chair read the warning that was publicly posted.

It was noted that the completed application was dated November 6, 2022 and referred to this Board on November 8, 2022, by the Zoning Administrator for a site plan review.

Brent and June Dragon were sworn in by Pete Pederson.

S509 Variances

The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A.s 4469(a) and appeal procedures under s508 of this bylaw. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Development Review Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found and the findings are specified in its written decision:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) The unnecessary hardship has not been created by the appellant;
- (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 adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

It was verified by all committee members that the proposed garage would need a variance granted on only one side; the side measured 29 ft to the rear property line (6 ft variance needed.)

All attendees were given the opportunity to make comment and /or ask questions.

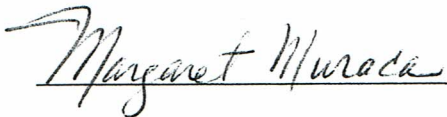
The applicants, were then excused and the deliberative session was called to order. The committee members reviewed this request for a variance as it related to the stated 509 ByLaw. It was recognized that the property does not allow for any other reasonable placement of a garage. In addition it appears that the authorization of a variance is necessary to enable the

reasonable use of the property. The unnecessary hardship has not been created by the appellant and a variance will not alter the essential character of the neighborhood. A granted variance will represent the minimum that will afford relief and represents minimal deviation from the stated regulations. Board member Alan Wing, who is also an abutter stated that he and his wife, Virginia do not have any issues/concerns regarding the granting of a variance. A motion was made to grant the stated variance (rear-6 ft), by Pete Pedersen; seconded by Stacey Roese. All board members voted affirmatively.

The board voted unanimously to approve the requested application for a variance..

The meeting was adjourned at 3:15 p.m.

Dated at Brighton(Island Pond), Vermont this 5th day of September 2022.

A handwritten signature in cursive script that reads "Margaret Muraca". The signature is written in black ink and is positioned above a horizontal line.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pedersen
Brent and June Dragon, Applicants
Town of Brighton, Clerks Office
Joel Cope, Town Administrator/Zoning Administrator

Findings of Facts

The following facts were found at the public hearing held November 29, 2022.

1. The hearing was called to order by the Chair at 3:00 p.m. and it was noted that the site visit was made by the Board Members and others as previously named.
2. The warning was read by the Chair.
3. Brent and June Dragon (applicants), were sworn in by Pete Pedersen, Chair. The Chair also asked Board Members if they had any questions or concerns.
4. The requirements found in Sec 509 of the Town of Brighton Zoning Bylaws do appear relevant to this situation.

The Board determined that a the requested variance should be granted in this situation. As such, the Board finds that no additional requirements are needed as long as the specified guidelines are followed.

Conclusion of the Law

The following conclusions were determined from the public hearing held on November 29, 2022:

Per the town's Zoning map the subject property is located in the "Neighborhood Residential" District in Sec. 210(2) of the Zoning Bylaws.

Further, Sec. 509 of the Zoning Bylaws does apply to this situation and the Board has carefully considered the necessary safeguards the Board is to take into consideration when reviewing site plans and the Board finds that all issues specified therein have been adequately addressed by the applicant.

Deliberative Session

The deliberative session followed the public meeting with the same board members in attendance.

Following discussion of the applicants' request for a Site Plan Review/Variance the following motion was made :

Pete Pederson made the motion to approve the site plan, for the construction of a garage and the granting of the stated variance (6 ft-rear). Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:15 p.m.

Dated at Brighton(Island Pond), Vermont this 5th day of September 2022.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Brent and June Dragon, Applicants
Pete Pedersen, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Brent and June Dragon
PO Box 372
Island Pond, VT 05846
Application # 40-22

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held November 29, 2022 on the above entitled application for a Site Plan Review/Zoning permit as filed by Brent and June Dragon; for the construction of a garage at a residential property at 1296 Pleasant St., Island Pond, Vermont.

Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Peter R McClure
Jeffery & Heidi Toussaint
Alan and Virginia Wing
Joseph Davis & Jamie Dragon
Robert & Sharon Dexter
Brian Cross

Notices were mailed by Certified Return Receipt November 14, 2022. Public notice of said hearing was posted in three locations in town, namely the Town Clerk's Office, bulletin boards outside the Island Pond Post Office and the Railroad Depot Building; and published in the Caledonian Record.

A site visit on November 29, 2022 preceded the public hearing. Board members who visited the site were Pete Pedersen, Stacey Roese, Alan Wing, Michael Clarke, Alan Magoon and Margaret Muraca(clerk). Also present were Brent and June Dragon (applicants); and Annie Budrewicz.

The public hearing followed the site visit with the above named board members in attendance, as well as Brent and June Dragon. In a unanimous vote the Development Review Board Members:

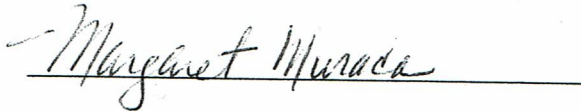
Pete Pedersen
Stacey Roese
Alan Wing
Margaret Muraca
Alan Magoon
Michael Clarke

voted to APPROVE the site plan concerning the property located at 1296 Pleasant St., Island Pond, Vermont provided the conditions stated previously are met.

Appeal Rights

If you should disagree with the Board's Decision, you may appeal to the Environmental Court. Such appeal must be made within thirty(30) days of the date of the decision. Failure to appeal within this thirty (30) day period will result in the loss of your appeal rights and this Decision shall be considered final.

Dated at Brighton (Island Pond) Vermont this 5th day of December 2022.

A handwritten signature in cursive script, reading "Margaret Muraca", is written over a horizontal line.

**Margaret Muraca, Clerk
Development Review Board**

**cc: Brent & June Dragon, Applicants
Pete Pedersen, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator**