

TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for a permit was made to the Board by: **Wayne & Pamela Paradise**

Agent(s) Mailing Address: **Brad Schwader, Winterwood LLC, 17 Boyd Hill, Wilmington, VT 05363**

Owner/Applicant(s) Mailing Address: **37 Bayview Terrace, Manhasset, NY 11030**

Address of the subject property: **210 Lake Raponda Road, Wilmington, VT 05363**

Tax Map #**023-21-054.000**

A copy of the request is filed in the office of the Board and is referred to as:

Case #: 2013-097

Description of Case per Public Notice:

Application # 2013-097; owner: Wayne & Pamela Paradise; Agent, Brad Schwader. Application being made for Waiver or Variance request to allow construction of a second story addition of 224 sq. ft. at a Single-Family Dwelling; Zoning Ordinance Sections 512 & 513; location: 210 Lake Raponda Road.

Notice for a public hearing was published in the Valley News on: **11/8/2013**

Notice was posted in three public places on: **11/7/2013**

A copy of the notice was mailed to the applicant on: **11/7/2013**

A copy of the notice was mailed to the abutters on: **11/7/2013**

The public hearing was held on: **12/2/2013**

Action taken on this application may be appealed by anyone identified as an interested party, pursuant to Vermont Statutes Annotated. Said appeal shall be made to the Environment Court.

Appeal period for this Case expires on: January 16, 2014

In *addition* to the Applicant / Agent the following persons were heard by the Board in connection with this request: (Copies were mailed to those persons listed below as having

been heard.)

Alice Herrick, Zoning Administrator

I. The Board FINDS:

The following are the circumstances which give rise to the request, and the following are facts and opinions presented to the Board at the hearing and developed by the Board in independent evaluation.

EXHIBITS:

Application (two pages)

A Authorization letter

B Existing floor plans and building sections, A1, by John Guminak Design Services, 6/3/13.

C Zoning Setback Plan by Merrill Mundell, Oct. 14, 2013.

D Plan set "Paradise / Raponda House Renovation" by John Guminak Design Services, 9/15/2013, no revisions.

1. Elevations, A2.1a.

2. Floor Plans, A3.1a

3. Proposed Sections, A4.1a.

E Abutters List

F Case Summary

1. The subject property is a narrow lot located in the Residential District of the Town of Wilmington. The property is identified as Tax Map 023-21-54.000. The lot is bounded on one side by Lake Raponda Road and the other side by Lake Raponda. The house sits below road grade. There are no residences on the opposite side of the road.
2. This nonconforming structure was constructed prior to the 1968 adoption of the Town of Wilmington Zoning Ordinance.
3. The proposed construction would raise the height of the 14 foot by 27 foot center section of the structure and enclose an existing deck. The footprint will not be increased.
4. The ridgeline of the new addition will not be higher than the ridgeline of the existing building.
5. The front setback of the center section is approximately two (2) feet and will not be decreased.

6. There is an additional request to enclose a deck on the lake side of the house. The proposed enclosure would not come closer than ten feet from the edge of the lake.
7. A part of the dwelling's foundation will be raised one foot so that the floor will be at the same elevation as the adjoining sections of the dwelling.

II. Regarding the waiver criteria, the Board CONCLUDES:

Approval for construction of Applicant's building addition does not conform to the Town of Wilmington dimensional standards for the Residential District and requires approval of a waiver. With regards to the criteria for a waiver, the Board concludes that this proposal *does* meet the waiver criteria of the Wilmington Zoning Ordinance and the following standards:

With regard to the request to raise a section on the roof and to raise a portion of the foundation the DRB finds:

513. The DRB may grant a Waiver (see also Section 520.A.5) provided all of the Waiver criteria below are satisfied:

1. **The proposal is for an addition to an existing principal or accessory building, and said addition does not increase the footprint of the building by more than five (5) percent, or by more than two hundred (200) square feet, whichever is less. *Yes. There will be no increase to the size of the existing structure's footprint.***
2. **The Waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property. *Yes. The addition will not increase the footprint of the structure and therefore not add to the nonconformity of the property. The existing dwelling is very small and the proposed 14 by 27 foot addition is a minimal request. Because of the configuration and size of the lot there is no room to expand in any other direction.***
3. **No front setback shall be reduced to less than two (2) feet. *The existing building is two feet from the front property line and this setback will not be reduced.***
4. **The proposed project will not have an undue adverse effect on the following:**
 - a. **The use of surrounding properties;**
 - b. **The character and aesthetics of the neighborhood;**
 - c. **Traffic patterns and circulation;**
 - d. **Public health, safety, and utility services;**
 - e. **Stormwater managements;**
 - f. **Water and wastewater capacity;**

allow construction of a second story addition of 224 sq. ft to a non-conforming building in the Residential District.

If unused, this Approval expires 1 year from the date of issue. A request for extension may be made in writing to the Development Review Board before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

There is a thirty (30) day appeal period from the date of signature before this Approval becomes final. In addition, all fees must be paid and a Zoning Permit *must* be issued prior to the commencement of any work requested in this application. When a Zoning Permit is issued, there is an additional fifteen (15) day appeal period before the Permit becomes final. Work may commence when the Permit has been issued and all Appeal periods have ended.

This approval ***does not relieve you***, as applicant, from obtaining any and ALL applicable State and other local permits.

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Gil Oxley
Nicki (Polly) Steel
Andrew Schindel
Sheila Osler

OPPOSED:
none

For the Board: Polly Steel, Chairperson

Date: 12/17/2013

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Division, pursuant to 24 VSA 4471 and VRECP Rule 5, in writing, within 30 days from the date this decision is issued. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 VSA 4472(d) (exclusivity of remedy; finality).

This approval does not relieve the Applicant of the responsibility to obtain all other applicable approvals that may be required by Federal, State, and local laws and ordinances.