

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: **Michael LaBonia**

Owner/Applicant(s) Mailing Address: 23 Lanphier Rd., Branford CT 06405

Address of the subject property: **3 Open Meadow Lane**

Tax Map: parcel # **CH-C-242**

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

Description of Case per Public Notice:

Application # **2020-053**: Owner: Michael LaBonia

Application is being made for **variance on setback to build a 20' x 14' garage/shed on western boundary of owner's property adjacent to his house.**

Applicable Wilmington Code Section II, IV, VII.

Hearing Date: **11/16/2020**

Notice for a public hearing was published in the Valley News on: **10/29/2020**

Notice was posted in three public places on: **10/29/2020**

A copy of the notice was mailed to the applicant on: **10/29/2020**

A copy of the notice was mailed to the abutters on: **10/29/2020**

Appeal period for this Case expires on: 12/14/2020.

Approval expires on: 12/15/2022

The following presented testimony as the applicant or on behalf of the Applicant or as an Interested Person:

EXHIBITS

The following Exhibits were placed in evidence by the Applicant or their Agent:

1. Application (2 pages)
2. Project summary
3. Abutter List

4. Photo existing home showing planned situation of new garage/shed
5. Schematic showing dimensions of planned garage/shed.
6. Schematic drawing showing existing location of sewage disposal components.
7. Letter from Kenneth Spicer, ED Chimney Hill Owners Asso, Inc., approving request to construct the garage/shed with variances, contingent on zoning permit.
8. ZA Letter citing applicable code sections 10/27/20.
9. LaBonia email to ZA correcting error on representative 10/31/20.

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222: Land Development & uses requiring Development Review Board written Decision & Approval

Section 229: Dimension & Sign Waivers granted by the Development Review Board

Section 233 Dimensional and Sign Waiver Application and Review Process of the Development Review Board

Section 234: Dimensional Variances granted by the Development Review Board for Other than Renewable Energy Resource Structures

Finding of Facts: This standard has been met, all exhibits have been received & verified.

Conclusions of Law: Article II is met

ARTICLE IV: DISTRICTS & USES

Section 400 Establishment of Zoning

Section 430: Nonconformities

Finding of Facts: The current use of the building is residential. Application is to build detached garage/shed which would be classified as accessory use.

Conclusions of Law: Article IV is met

ARTICLE IV (CON'T) –

Section 450: Districts

A) Conservation

B) Village (a) within the HDRD and (b) outside the HDRD have unique dimensional requirements

C) Residential

D) Resort Residential

E) Commercial/Residential

F) Resort Commercial/Residential

DISTRICT

Finding of Fact: Subject property is in the Residential district

Conclusions of Law: Findings met

USES

Finding of Facts: The Primary Use of the Residential

Conclusions of Law: The proposed Uses are Permitted

ARTICLE VII: STANDARDS

Section 705: Changes to nonconforming structures, lots and/or Uses.

Findings of Fact: Applicant is asking for a variance for the construction of this garage; dimensions 14x20. Shed location is to the western side boundary.

Conclusions of law: Section 705 is met

Section 706: Nonconforming structures on Developed Land/Lot.

Findings of Fact: Applicant is asking for 14' setback variance & 24' variance to the front property line.

Conclusion of Law: Applicant does not prove substantial circumstances to substantiate setback variance.

CONDITIONS:

The application for development is **not approved** with the following conditions, restrictions, requirements, limitations and specifications.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

OPPOSED:

ABSTAINING:

Date: 12/11/2020

For the Board: Cheryl LaFlamme, Chairperson

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.