

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

In Re: Landowner/Applicant: Shelby Blackmer

Permit Application No. 5987

**Introduction and Procedural History**

This proceeding involves review of an application for variance submitted by landowner/applicant: Shelby Blackmer under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on November 1, 2018. A copy of the application is available at the Brandon Town Office, 49 Center St., Brandon, VT.

On November 28, 2018 a notice of public hearing was published in "The Reporter."

On November 20, 2018, 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 November 20, 2018 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 December 6, 2018.

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.

Jeff Biasuzzi, Zoning Administrator, Shelby Blackmer, Jackson Lalumiere, Wayne Blackmer were sworn in.

Exhibit A was submitted to the Board, this included a description of the property and floor plan along with a diagram of the new additions requested on the permit.

**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 4' x 8' addition to a pre-zoning, non-conforming structure on a non-conforming parcel.

The proposed change does not meet minimum setback requirements.

The subject property is a .09 acre parcel located at 14 Pearl Street in the Town of Brandon (tax map no. 22-51-40).

The setback requirement is 20 feet.

The waiver is for the setback to the adjoining property to the west.

The lot was created before zoning was considered and the properties are closer together than would typically be seen.

The additions to the property are going to make the house more even and there will be no change of use as bedrooms are not being added.

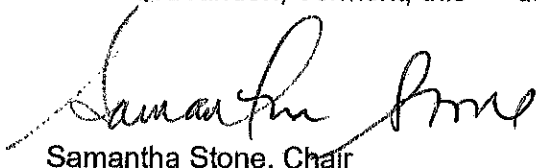
The adjoining property owner to the West has sent in a letter stating they approve of the addition to the property and the waiver of the setback.

## DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 4-0 to grant a waiver to the setback requirements for the construction of an 8' X4' addition to the property at 14 Pearl Street, Brandon, VT. Waiver requirements for the property include:

- The proposed project setback is no greater than the front or side setback for existing structures on adjacent lots on the same street frontage.
- The project does not result in the impact of natural-resources.
- The project does not impair site difference on the public road.

Dated at Brandon, Vermont, this 4<sup>th</sup> day of January 20 19



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.