

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

In Re: Landowner/ Applicant: Timothy Somerset

Permit Application No. 6283

Introduction and Procedural History

This proceeding involves review of an application for setback waiver submitted by landowner/applicant: Timothy Somerset, under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on October 5, 2023. A copy of the application is available at the Brandon Town Office, 49 Center St., Brandon, VT.

On November 8, 2023 a notice of public hearing was published in "The Reporter."

On November 8, 2023 a 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 Junction Store & Deli, Forest Dale Road, Brandon.

On November 8, 2023 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 November 21, 2023.

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: Sam Stone, Jack Schneider and Ralph Either.

Others in attendance: Timothy Somerset, Jeff Biasuzzi, Zoning Administrator and Hillary Knapp, Secretary

Timothy Somerset and Jeff Biasuzzi, Zoning Administrator were sworn in.

Courtney Satz requested and was granted interested party status.

FINDINGS

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

The request before the Development Review Board was a setback waiver at 51 Pearl Street (Parcel # 22-52-3) to build a 24'x24'x35' garage.

The garage will be a two-story garage.

The setback waiver is for the North property line and will be looking for a 21' 6" waiver on that side.

All other set backs adhere to the 30' requirement.

A letter from Courtney Satz was read into evidence (exhibit A).

The applicant and the abutting neighbor have agreed to several items when building the garage. One of the conditions being that a survey will be conducted to ensure that the setback is the 21' 6".

The survey of the property will be conducted in January of 2024.

Landscaping will also be done along the property line where a tree needs to be taken down.


If the survey does not show a 21' 6" setback a new permit request would come before the Development Review Board.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 3 (approved)- 0 (deny) to grant a setback waiver at 51 Pearl Street to construct a 24'x24'x35' garage.

- A survey will be required to show the 21' 6" setback.

Dated at Brandon, Vermont, this 1 day of January 2024


Samantha Stone (Jan 2, 2024 13:14 EST)

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.