



Planning & Zoning Office
Town of Richmond P.O. Box 285
Richmond, VT 05477
(802) 434-2430
koborne@richmondvt.gov
www.richmondvt.gov

APPLICATION: Conditional Use Review, Site Plan 2021-04

APPLICANT: Gabe Firman dba Nakatomi Plaza, LLC

REQUESTED ACTION: Conditional Use Review

LOCATION: 39 Bridge Street

EXISTING ZONING: VD-Village Downtown District

Act 250 STATUS: Not Applicable

PARCEL HISTORY: Zoning Permit 2021-16 Construction of fence 4/6/2021
Certificate of Occupancy Dwellings units and covered porch 7/31/2020
Zoning Permit 2020-076 4 Dwelling units 7/2/2020
Zoning Permit 2020-077 Covered Porch 7/1/2020
CUR 2020-040 2nd Floor revisions Approved 5/27/2020
Zoning Permit 2018-062 2nd Floor renovations Expired
Zoning Permit 2005-193 Change of Use 9/26/2005
SPR 05-118 New entrance and deck conversion Approved 8/10/2005
Zoning Permit 2003-058 Toscano Café Signage 5/5/2003

PROJECT DESCRIPTION: Applicant seeks after the fact approval for an outdoor seating area that was built beyond what was approved by DRB application 2019-126. As per Section 5.3.4 DRB approval required for any changes or modifications to approved permits. Further, property is currently under an Order to Remedy and section 8.2.2(e) of the Richmond Zoning Regulations apply. Village Downtown (VD) Zoning District at 39 Bridge Street, Parcel ID BR0039.

LIST OF SUBMISSIONS:

- Site Plan and Conditional Use Application
- Narrative
- Photos

STAFF COMMENTS AND STATEMENT OF FACTS

- General Warning and Order to Remedy issued on April 30, 2021, see attached.
- Noticing was accomplished on June 24 at three (3) locations in the Town of Richmond as well as on the TOR website.
- Agenda was posted in the local publication of 7 Days on July 7, 2021 with copies posted at three (3) locations in the TOR as well as on the TOR website
- Abutters noticed on June 24, 2021

- Due to a lack of quorum for the July 14, 2021 DRB meeting, a continuation to July 28, 2021 was accomplished on July 14, 2021

STAFF COMMENTS AND STATEMENT OF FACTS (cont.)

- Agenda modified and posted on July 13, 2021 at three locations and on the Town's website reflecting the new meeting date of July 28, 2021
- Agenda modified and posted on August 2, 2021 at three locations and on the Town's website reflecting the new meeting date of August 11, 2021
- Attached to these staff notes is the outdoor rendering associated with CUR2019-126. This rendering was presumed to be the permitted structure associated with zoning permit 2021-16
- 5.3.3 Misrepresentations –
 - a) Any zoning permit issued based upon material inaccuracies or misrepresentations in an application or in any supporting documents to an application shall be null and void and shall not be construed as waiving any provision of these zoning regulations.
 - b) Any visual rendering of a permitted project that is displayed publicly shall be the same visual rendering that has been presented to and approved by the DRB or the Administrative Officer.
- All references to the previous ZAO in the applicant's narrative is unsubstantiated. There is no record of any planning on file with regards to the outside seating area. Further, Zoning Permit 2020-077 makes specific reference to the outside seating area not being associated with said permit. This is not to say the applicant is not sincere in his recollection, only that the veracity cannot be demonstrated.
- It is understood that the applicant is seeking approval, after the fact, for what has been constructed with the exception of that part of development not located on the applicant's land.
- The DRB to review this application under Section 5.6, Conditional Use Review criteria as well as Section 3.10 Village Downtown District requirements.

PROPOSED STANDARD CONDITIONS:

1. The applicant shall obtain an after the fact zoning permit with associated fees.
2. This approval shall expire 24 months from the date of the final approval unless a valid zoning permit has been obtained and remains in effect, or the DRB determines at a warned public hearing that substantial commencement of the project has begun or that the work, time and expenditures invested in the project indicates a good faith intent to presently commence upon the project. The DRB may grant an extension of up to 12 months for good cause, if a request for extension was made before the end of the 24-month period after the final approval.
3. The project shall be developed in conformance with the above referenced plans, and submittal documents.
4. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
5. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.



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GENERAL WARNING ORDER TO REMEDY

Gabriel Firman
Dba Nakatomi Plaza
PO Box 666
Richmond, Vt 05477

RE: Violation of the following Zoning Bylaws of the Town of Richmond, Vermont.

- I. Richmond's Zoning Bylaws §5.1.2 Land development regulated by 24 VSA §4413 for which a zoning permit is required.
- II. Richmond's Zoning Bylaws §5.3.1 prohibits development within 15 days after the issuance of the Zoning Permit by the Administrative Officer.

Permit # 2021-16, Parcel ID # BR0039, 39 Bridge Street, Richmond

Dear Mr. Firman,

The purpose of this letter is to provide you with official notice as per 24 V.S.A. §§4451, 4452 that violations under the Town of Richmond Zoning Bylaws exists at your property located at 39 Bridge Street.

- I. Please be advised that based on information available to the town, you have commenced land development beyond what was approved by the Development Review Board for CUR 2019-126. The specific violations are as follows:**
 - 1. Height of the enclosure exceeds 6 feet as per §5.10.1 Accessory Structures and as noted on Zoning Permit 21-016.**
 - 2. Footprint of the enclosure exceeds what was approved by the Development Review Board by approximately 75%. See notes on §5.3.3**

II. Please be advised that based on information available to the town, you have commenced land development within the 15-day appeal period as per §5.3.2 of the Town of Richmond Zoning Regulations. The specific violation is as follows:

- 1. Zoning Permit #21-016 issued on April 06, 2021 with an effective date of April 20, 2021 for commencement of development was ignored as evidenced by the projects late-stage completion observed on April 20, 2021. Note: Z-Card was displayed prominently on the public right of way with permit approval and effective dates readily observable.**

Remedial action required within 7 days

- 1. Remove all development outside of CUR 2019-126 approval footprint and return to pre-development conditions; and**
- 2. Remove those portions of the fence that exceed 6 feet from ground level.**

You have 7 days from the date of this certified letter to discontinue this violation, take appropriate remedial action (listed above) by either removing the illegal development from the above referenced property or submitting a zoning permit with the material changes to the approval of CUR 2019-126, necessitating an amended review by the Development Review Board. This will constitute a new zoning permit as well as a new Conditional Use Review application. You will not be entitled to an additional warning notice for a violation occurring after seven days.

Sincerely,

Keith Osborne, Zoning Administrative Officer
802 434-2430
koborne@richmondvt.gov

