



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

Appeal # 2022-0001
(office use only)

NOTICE OF APPEAL

All information requested below must be completed in full. Failure to provide the requested information on this notice will result in rejection of your application and delay in the review of the appeal before the Development Review Board.

I understand:

- The presentation procedures required by State Law (Section 4468 of the Planning & Development Act);
- that the Development Review Board holds regular meetings once a month;
- that a legal advertisement must appear a minimum of fifteen (15) days prior to the hearing on my appeal; and
- I agree to pay the required fee to offset the cost of the hearing on my appeal.

1) Name and Address of Appellant (s): Callie Ewald & James Cochran

910 Cochran Road

Richmond, VT 05477

1a) Email Address of Appellant(s): Cewald8@gmail.com, Cochran1981@gmail.com

2) Location and brief description of property at issue in this Appeal:

809 Milkweed Lane, Richmond, VT. The property was purchased in 2014 with an existing driveway off of Huntington Road leading to 275 Milkweed Ln. A new section of driveway was constructed up the hillside from 275 to 809 and 811 Milkweed Ln meeting the current driveway standards. The larger property (which has since been subdivided to accommodate 5 lots from 3) includes a very narrow portion off of Huntington Rd leading to a wider section of land accommodating the three homesteads of 10 acre lots. The pre-existing driveway from Huntington Rd to 275 Milkweed Lane includes a straight section of driveway that exceeds a 12% grade. The properties terrain varies from gently to very steeply sloping heavily wooded forest with shallow bedrock and bedrock outcrops throughout.

3) What action of the Administrative Officer are you appealing?

We are appealing the denial of our request for a Certificate of Occupancy for Permit# 2022-28 provided on June 20th, 2022 by Zoning Administrator Tyler Machia.

4) What provisions of the Richmond Zoning Regulations are applicable to this Appeal, if any?

6.2.1 Subsection f, notes that the grade of a driveway shall not exceed 12% unless it is 200 feet from the foundations of a principal structure. The section of driveway that was pre-existing from Huntington Rd to 275 Milkweed Lane exceeds the 12% requirement.

5) What relief do you want the Development Review Board to grant?

We are requesting a variance according to Section 8.4.5 of the Richmond Zoning Regulations and feel that our situation satisfies the five facts as presented in 24 V.S.A 4469.

6) Why do you believe that the relief requested in Number 5, above, is proper under the circumstances?

We feel the five facts as required to grant a variance have been met. Additional information pertaining to each is elaborated on below:

- The property boundary includes a very narrow portion with steeply sloping terrain, shallow bedrock outcrops, and a pre-existing septic system in the middle of the narrow section of the property. In order to meet the driveway standard in this location, it would require significant blasting of the bedrock, regrading of the in-situ materials, moving the existing septic system, and likely adding structural components such as retaining walls to retain fill for the earthen driveway. All of these components are significantly cost prohibitive, and that assumes the engineering shows that given the geometric constraints, that indeed a road at less than 12% can be achieved.
- The physical conditions outlined above prevent the non-conforming portion of the driveway from being constructed without significant cost and disturbance to the land. The ability to maintain the existing straight driveway allows for continued use to the homesteads, as well as is in agreement with the preference of the Richmond Fire Chief. Prior approval of the existing non-conforming driveway was gained from the Richmond Fire Department, citing that straight and steep is preferable to tight radius curves that would be necessary in order to reduce grades and stay within the property boundary.
- The property boundary was created years ago, which is why the existing driveway was constructed as it was to the homestead on the property. The two additional homesteads were built higher up on the slope with a driveway meeting driveway standards. We did not create the hardship that exists to bring this pre-existing driveway into conformance with the current driveway standard. Existing house and utility infrastructure were built in its current location which prohibits changing driveway to meet new standards.
- Leaving the pre-existing driveway as is will not alter the character of the neighborhood or adjacent properties, affect renewable resources, or be detrimental to public welfare. On the contrary, changing the driveway at all will create significant change to the character of the area, requiring the removal of trees and shrubbery to accommodate a road. It will have a significant visual impact and the removal of trees will increase run-off, impacting greatly the neighbors adjacent and below.
- If granted, this variance would grant the minimum relief possible. Leaving the pre-existing driveway in place at its current alignment and grade has the lowest impact as described above.

NOTE: Notification of adjoining property owners: Notification of adjoining property owners, in accordance with 24 V.S.A. §4464(a) and Section 8.2.3(b) of the Richmond Zoning Regulations, is the responsibility of the appellant.

I hereby certify that all the information requested as part of this notice of appeal has been submitted and is accurate to the best of my knowledge.

Callie Sealed / [Signature]
Signature of Appellant

6/23/22
Date

Do not write below this line

6/29/22
Date of Submission

I have reviewed this application and find it to be:

Complete Incomplete

[Signature]
Administrative Officer

6/29/22
Date