



Planning & Zoning Office
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APPLICATION: CU2023-01

APPLICANT: Garry Bressor

REQUESTED ACTION: Conditional Use Review

LOCATION: 401 Bridge Street

EXISTING ZONING: Agricultural Residential

PARCEL HISTORY:

DRB approval of Conditional Use application 10-005 June 3, 2010

DRB approval of Conditional Use application 10-077 September 16, 2010

DRB approval of Conditional Use application 13-132 and 13-141 January 8, 2014

Zoning permit 2022-12 moving building location March 28, 2022

DRB approval of Conditional Use Application CUR2022-04 August 28 2022

LIST OF SUBMISSIONS:

- a. CU2023-01. Narrative
- b. CU2023-01. Conditional Use Application
- c. CU2023-01. Abutters List
- d. CU2023-01. Plans

PROCEDURAL INFORMATION:

1. Application received 1/17/2023
2. Warning and agenda sent to Seven Days 1/20/2023
3. Hearing notice sent to applicant 1/23/2023
4. Abutters letter sent 1/23/2023

PROJECT DESCRIPTION: Applicants are seeking Conditional Use approval for modifications to permit 13-132. The applicants are requesting the following modifications:

1. Additional square footage added to the second floor. This would be a 82 square foot increase
2. A first-floor addition of a 5 x 6.5 room for a half bath
3. Door hood to keep snow off of the door
4. Patio between the original house and the addition
5. Stares from the patio down to the sidewalk
6. Widening the sidewalk to allow for parking of a vehicle
7. Relocated a previously approved connector between the two parts of the duplex

STAFF COMMENTS (In Bold):

1. Applicants are seeking to make the following changes to their approved permit 13-132
 - a. Additional square footage added to the second floor. This would be a 82 square foot increase
 - b. A first-floor addition of a 5 x 6.5 room for a half bath
 - c. Door hood to keep snow off of the door
 - d. Patio between the original house and the addition
 - e. Stares from the patio down to the sidewalk
 - f. Widening sidewalk to allow for parking of a vehicle.
 - g. Relocated a previously approved connector between the two parts of the duplex
2. Project is located inside of the Agricultural Residential zoning district and is subject to section 3.1 of the Richmond Zoning Regulations
3. Section 3.1.3 notes the following dimensional standards
 - a. No lot shall be less than one (1) acre. The purchase of additional land by the owner of such lot from an adjacent lot owner shall be permitted, provided such purchase does not create a lot of less than the minimum lot area required in the Zoning District for the lot on the part of the seller.
 - b. Each lot must contain a point from which a circle with a radius of fifty (50) feet can be inscribed within the boundary of the lot.
 - c. No lot having frontage on a public or private road shall have less than one hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2, Required Frontage, and 4.3, Approval for Interior Lots with No Frontage
 - d. The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30%. **Applicants are proposing to make the sidewalk wider to accommodate a vehicle. This would in effect expand the driveway. Applicants should provide documentation to the Zoning administrator that the proposed development will be under the 30% coverage maximum .**
 - e. minimum lot size for the Agricultural Residential district is 1 acre
4. Applicants note that prior DRB approval 13-132 the DRB modified the setback from 20 feet to 5 feet
5. Section 3.1.4 goes over the Dimensional Limitations for structures in the Agricultural Zoning district
 - a. The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6, Taller Structures, of these Zoning Regulations
 - b. All structures shall be set back at least thirty (30) feet from each front lot line, or fifty-five (55) from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater **DRB previously approved a modified setback of 5 Feet**
 - c. A principal structure shall be set back at least twenty (20) feet from each side lot line. An accessory structure shall be set back at least ten (10) feet from the side lot line **DRB previously approved a modified setback of 5 Feet**
 - d. A principal structure shall be set back at least twenty (20) feet from a rear lot line. **DRB previously a modified setback of 5 Feet**
 - e. An accessory structure shall be set back at least ten (10) feet from the rear lot line **DRB previously approved a modified setback of 5 Feet**

6. Section 3.1.5 No Zoning Permit may be issued for Land Development in the A/R District unless the Land Development meets the following requirements
 - a. Parking requirement shall be regulated as provided in Section 6.1.
 - b. Signs shall be regulated as provided in Section 5.7.
 - c. Access shall be regulated as provided in Section 4.1 through 4.4
 - d. Traffic shall not exceed 10 vehicle trip ends during the peak evening hours
7. The project would also be subject to Section 4 of the Richmond Zoning Regulations
8. Applicants note that there home was constructed in 1927
9. The principal structure is a legally non-conforming structure under section 4.7 as it is located inside of the setbacks for the Shoreline Protection district and the Agricultural residential district
10. The applicant's property is located in the Shoreline Projection district and is subject to section 6.7 of the Richmond Subdivision Regulations
11. Projects located inside of the shore line protection district are subject to conditional use review per section 6.7.3 of the Richmond Zoning Regulations
12. Projects requiring Conditional use Review are subject to section 5.6 of the Richmond Zoning Regulations
13. Applicants are building a duplex
14. Section 3.1.1 notes that a two-family dwelling is an allowed use in the Agricultural Zoning district
15. Section 6.7.3 notes that permitted uses in the underlying district require Conditional Use approval
16. Section 5.6.1 notes that a proposed development will meet the following conditions and not have a negative impact on the following
 - a. The capacity of existing or planned community facilities
 - b. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan
 - c. Traffic on roads and highways in the vicinity
 - d. Bylaws and ordinances then in effect
 - e. The utilization of renewable energy sources. **(Application is in compliance with this section)**
17. Section 5.6.2 notes the following requirements.
 - a. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated.
 - b. There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business.
 - c. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
 - d. A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
 - e. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
 - f. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures. **Development consists of a 82 square foot second story addition. They are also proposing a small 5 by 6.5-foot room. Residential uses are allowed in the Agricultural residential district.**

- g. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond fire fighting officials, significantly endangers other property owners or emergency personnel.
 - h. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities.
 - i. Existing water supplies and the quality of ground and surface water resources shall not be adversely affected.
 - j. The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project.
 - k. Any other standards, such as natural landscape and “character of the neighborhood” standards, as indicated for specific districts shall also be applied.
18. Section 5.6.3 notes that the projects requiring conditional use review are also subject to site plan review under Section 5.5
 19. Section 5.5.1 notes that single- and two-family dwellings are exempt from site plan review
 20. Applicants are in the process of building a duplex and therefore are not subject to site plan review
 21. Project is Subject to Section 4 of the Richmond Subdivision Regulations
 22. Under section 4.7.10 notes that the Development Review Board may allow for the expansion of any nonconforming structure built prior to April 1, 1969 no closer than five (5) feet to any lot line or edge of a public or private right of way and an increase in building footprint as a result of the expansion by no more than 10% of the total ground area of the lot.
 23. The applicants are further expanding into the modified setback.
 24. The Applicants narrative noted that with the new expansion they would only be at 3.5% coverage which is under the max coverage of 10% allowed in 4.7.10
 25. Applicants wish to expand the sidewalk to accommodate a vehicle
 26. The Sidewalk is private sidewalk
 27. This expansion would turn the sidewalk into an extension of the driveway
 28. Driveways are covered by section 6.2 of the zoning regulations.
 29. Section 6.2 notes the following requirements
 - a. Unless specifically approved by the DRB there shall be a maximum of one driveway per lot accessing a public Road or Highway. This provision shall not disallow a shared driveway between two or more lots, or dual driveways where one lane is marked for entering traffic and one lane for exiting traffic.
 - b. Driveways shall meet the following standards unless a different size is required by the DRB due to special circumstances: Residential - 12 feet minimum width, 36 feet maximum width; Commercial - 20 feet minimum width, 36 feet maximum width. **If the sidewalk will be expanded to accommodate vehicles it will need to meet the minimum width requirement**
 - c. The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public Road or Highway if it deems necessary.
 - d. Driveways shall be located more than 100 feet from signalized Road or Highway intersections (measured between the near edges of the driveway and intersection). Greater distances may be required on Roads or Highways with high traffic volumes.

- e. The intersection of the driveway to the public or private road shall conform to the standards in the Public Works Specifications. The driveway shall meet the Vermont Agency of Transportation's B71 Standards for construction.
- f. For the length of the driveway, the driveway grade shall not exceed twelve (12) percent except that the last 200 feet from the foundation of the primary structure being served shall not exceed fifteen (15) percent. In measuring the compliance of a driveway, the maximum grade may not be exceeded along the driveway center-line

Reconditions to the DRB

- 1. **DRB approves the application with the exception of the sidewalk into to accommodate a vehicle based on the following factors**
 - i. **The DRB has previously approved building modifications inside of the modified setback**
 - ii. **The proposed expansion of the building first floor would only increase the building footprint by 32.5 square feet**
 - iii. **Second story expansion is an increase of 82 square feet**
- b. **DRB should require the applicants provide documentation to the Zoning administrator that the sidewalk/ driveway expansion will conform to the minimum driveway widths laid out in section 6.2 subsection b of the Richmond Zoning Regulations**