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*Minutes subject to correction by the Essex Junction Zoning Board of Adjustment. Changes, if any, will be recorded in the Minutes of the next meeting of the Zoning Board of Adjustment.*

**VILLAGE OF ESSEX JUNCTION  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
June 17, 2008**

**MEMBERS PRESENT:** Tom Weaver (Chairman); Ron Gauthier, Jim Moody, Mary Gauthier, Bruce Murdough.

**ADMINISTRATION:** Jeff Arango, Development Director.

**1. CALL TO ORDER and AUDIENCE FOR VISITORS**

Chairman Tom Weaver called the meeting to order at 7 p.m. and introduced Jim Moody, new member to the Zoning Board. There were no comments from the public.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

None.

**3. MINUTES**

*April 15, 2008*

**MOTION by Ron Gauthier, SECOND by Mary Gauthier, to approve the 4/15/08 with the following correction:**

**Page 4, top of page – insert “Owen Jenkins said” at the start of the sentence reading: “State law says...” and in the same sentence delete the first incidence of “and an unlimited number of children”.**

**VOTING: 5 ayes; motion carried**

**4. PUBLIC HEARING**

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

Variance application for relief from maximum lot coverage to construct a 24'x 28' attached garage at 17 South Street Lane in the R-2 District by Douglas Sturtevant, owner

Doug Sturtevant and Kim Sturtevant appeared on behalf of the application.

## STAFF REPORT

Jeff Arango explained the request for a variance for a two car attached garage at 17 South Street Lane. There is no garage on the property currently. The existing modular home will be moved to the west and the 24'x 28' garage will be attached to the structure. The garage will bring lot coverage to 41.3% and building coverage to 33.3%. A waiver of 1.3% for lot coverage and 8.3% for building coverage is requested. The existing driveway is 36' which adds to the lot coverage (the Code allows a 20' wide driveway). If the driveway north of the garage is removed the lot coverage will be reduced to 37.1% negating the need for a variance for total lot coverage. A variance for building coverage is still needed though. Per a memo from the Fire Chief received 6/16/08 by staff there is no problem with the turnaround as proposed. Mr. Arango mentioned the end of South Street Lane is a de facto parking area.

## APPLICANT COMMENTS

Doug Sturtevant explained the size of the garage is necessary to accommodate his truck with a plow. The garage will also contain a set of internal stairs to the basement of the house. The garage is needed to keep equipment and vehicles out of the weather. The property is at the base of a hill. With snow storms there are situations where parking at the house (at the bottom of the hill) is not workable (cannot get up the hill due to snow/ice) so the neighbors have allowed parking in their driveways. There was an incident where a Steven's Gas truck slid down the hill and bumped into something so now the delivery trucks park at the top of the hill and walk down. Mr. Sturtevant said the proposal is an attempt to improve the situation so his vehicles can be parked on his property, his equipment and tools are stored out of sight, deliveries can be made year round, and the appearance of the area is improved. All the other houses in the neighborhood have garages so the proposed garage will not change the appearance or character of the neighborhood. In fact, the property will blend in better with the neighborhood.

Kim Sturtevant, applicant's sister, addressed the turnaround shown on the plans, noting the area is necessary so in bad weather vehicles can get up the hill. The "K" turn as mentioned by the Fire Chief involves the neighbor's property and the turn is difficult in winter weather. The hill though short is steep. Doug Sturtevant added he bought the house in 2005 with the existing driveway condition and a 30' right-of-way. The existing pavement is wide enough to allow parking two cars side-by-side. The lot is only 50' wide so it is unique. The front door of the house faces the hill. People park in the turnaround area and come to the front door. Mr. Sturtevant mentioned his snowmobile trailer and without the turnaround he will be forced to back down the driveway with the trailer or use the neighbor's driveway to turnaround. Snow from the street is plowed and piled at the end of the driveway (base of the hill) and off the turnaround area.

Ron Gauthier asked about the 20'x 16' area in front of the garage. The applicant explained the area is needed to access the garage. In winter due to snow piles at the end of the driveway it is nearly impossible to back out of the garage and turn around to drive up the hill.

It was noted the deed shows the lot is beyond the lines shown on the ortho photo included in the application materials provided to the Zoning Board. Mr. Sturtevant pointed out there is a propane tank and shed in the right-of-way which was there when the property was purchased.

Mary Gauthier asked if the garage would be built if the driveway was narrowed to less than 36' wide. Mr. Sturtevant confirmed he would still build the garage for his vehicles and tools, and would still like the turnaround though the asphalt that connects the turnaround and driveway could be graveled over to reduce lot coverage as much as possible. Ron Gauthier suggested the turnaround area remain, but the portion of pavement from the turnaround to the garage be eliminated thereby eliminating the need for a variance (for lot coverage).

## PUBLIC COMMENT

Dan DeMille, South Street Lane, spoke in support of Mr. Sturtevant as a neighbor and the tremendous improvements that have been made to the property under his ownership. Mr. DeMille felt the proposal will further improve the lot and be a plus to property values on the street. Regarding the turnaround, it is nearly impossible to get out of the lot in winter without a turnaround. Delivery trucks have been stuck in the driveway. Fire and safety vehicles need to be able to get to the site and get out safely.

Bob Jason, neighbor, expressed concern about the size of the garage (too large for the lot) and the shed and propane tank in the right-of-way. Mr. Jason asked if these items will be moved so the right-of-way can be used to access the back of his property. Mr. Jason also noted the property was a swamp, but when the modular home was installed sand was brought in for the slab foundation which resulted in standing water on his property. There is concern the garage will result in more water on his property. It was clarified that the right-of-way is private (in the property deeds for South Street Lane). Doug Sturtevant stated there will be gutters on the garage to direct the flow of water to the west.

There were no further comments.

**MOTION by Jim Moody, SECOND by Mary Gauthier, to close the public portion of the variance application for a garage at 17 South Street Lane. VOTING: 5 ayes; motion carried.**

## DELIBERATION/DECISION

Variance, Garage, 17 South Street Lane, Sturtevant

### FINDINGS OF FACT:

1. The applicant's house is located at 17 South Street Lane in the R-2 District and has a lot size of 6,098 s.f.
2. Minimum lot size in the R-2 District is 7,500 s.f. and the applicant's lot is 6,098 s.f. which is a pre-existing, nonconforming small lot.
3. South Street Lane is a 30' wide private right-of-way that extends to the southern property line of the applicant's property.
4. The applicant proposes to move the existing ranch house 29' to the west.
5. No garage presently exists on the property.
6. The proposed attached two car garage is 24'x 28' in size.
7. The proposed garage will have rain gutters installed on the eaves to direct water flow to the west.
8. The proposed total lot coverage is 41.3% and the total proposed building coverage is 33.3%.
9. The maximum permitted total lot coverage in the R-2 District is 40% and the maximum permitted building coverage is 25%.

10. The applicant is requesting a variance of 1.3% from the maximum total lot coverage and 8.3% from the maximum permitted building coverage.
11. If the applicant removes an 8'x 8' section of the existing paved driveway between the proposed driveway and the existing turnaround this will decrease lot coverage and negate the need for a variance for total lot coverage.
12. The existing driveway is 36' wide within the front yard setback and the maximum allowed is 20' wide until beyond the 20' setback.
13. The existing 36' wide driveway as shown on the plan has a turnaround on the north end.
14. A memo received from the Fire Chief indicated no problem with or without the turnaround.
15. The property as proposed will be consistent with the character of other properties in the neighborhood.
16. There was public comment in support of the proposal.
17. A neighbor to the east of the right-of-way expressed concern about drainage and access to the rear of his property through the private right-of-way.

CONCLUSION:

1. Findings #1-#17 satisfy the variance criteria of Section 1703.C (1-6).

**MOTION by Ron Gauthier, SECOND by Mary Gauthier, based on the Findings and Conclusion to grant a variance of 8.3% from the building coverage maximum with the condition an 8'x 8' section of the existing paved driveway be removed between the proposed driveway and the existing turnaround (removal of this section of pavement will negate the need for a variance of 1.3% from the lot coverage maximum). VOTING: 5 ayes; motion carried.**

**5. OTHER BUSINESS**

None.

**6. ADJOURNMENT**

**MOTION by Ron Gauthier, SECOND by Mary Gauthier, to adjourn the meeting. VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 8 p.m.

*RScty: M.E. Riordan*