

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
AUGUST 18, 2015
AGENDA
6:00 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

- A. Regular Meeting – June 17, 2014

IV. Review and Sign Ethics Policy

- A. Elect Chairperson and Vice-chairperson

V. Public Hearing

- A. Variance application for relief of side setback to construct parking spaces three (3) feet within the ten (10) foot side setback at 128 – 136 West Street in the MF-2 District, by Whitcomb Terrace, LP, owners.

VI. Other Business

VII. Adjournment

Pursuant to 24 VSA Section 4464(a)(1)(C) Participation during the public hearing before the Essex Junction Zoning Board of Adjustment is a prerequisite to the right to take any subsequent appeal.

Members of the public are encouraged to speak during the Public-To-Be-Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item.

This meeting will be held in the conference room of the Essex Junction municipal building at 2 Lincoln St., Essex Jct., VT. Reasonable accommodations will be provided upon request to the Village, 878-6950, to assure that Village meetings are accessible to all individuals regardless of disability.

For information on subsequent meetings on the above mentioned applications, please contact the Planning Department from 8 – 4:30 at 878-6950 or the website www.essexjunction.org.

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
August 18, 2015**

MEMBERS PRESENT: Tom Weaver (Chairman); Jim Moody, Aaron Martin,
Martin Hughes. (Bruce Murdough was absent.)
ADMINISTRATION: Robin Pierce, Development Director.
OTHERS PRESENT: Scott Homsted, Rich Peliel, Miranda Lescaze.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Tom Weaver called the meeting to order at 6 PM. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

June 17, 2014

MOTION by Jim Moody, SECOND by Martin Hughes, to approve the minutes of June 17, 2014 as written. VOTING: unanimous (4-0); motion carried.

4. ETHICS POLICY AND ELECTION OF OFFICERS

The Ethics policy was reviewed and signed by the board members.

Election of Chair

MOTION by Jim Moody, SECOND by Aaron Martin, to nominate and elect Tom Weaver as Chair of the Essex Junction Zoning Board of Adjustment. VOTING: unanimous; motion carried.

Tom Weaver is Chair of the Essex Junction Zoning Board of Adjustment.

Election of Vice Chair

MOTIN by Aaron Martin, SECOND by Jim Moody, to nominate and elect Bruce Murdough as Vice Chair of the Essex Junction Zoning Board of Adjustment. VOTING: unanimous; motion carried.

Bruce Murdough is Vice Chair of the Essex Junction Zoning Board of Adjustment.

5. 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 of the side setback to construct parking spaces three feet within the ten foot setback at 128-136 West Street in the MF-2 District by Whitcomb Terrace, LP, owners

Scott Homsted and Miranda Lescaze appeared on behalf of the application.

STAFF REPORT

The Zoning Board received a written staff report on the application, dated 8/18/15. Robin Pierce stated cars have been parking in the area under discussion and there have been no complaints from neighbors. Letters were sent to all adjoining property owners about the application.

APPLICANT COMMENTS

Scott Homsted with Krebs and Lansing explained there has been unanticipated demand for parking at the site. Fourteen years ago when the property was developed the parking demand was met, but over the years there have been more visitors and more demand for parking so cars have been parking along the easterly edge of the Whitcomb Terrace building (Building F) as well as by the other buildings. The owners felt formalizing the parking will address the problem. The area around the buildings is heavily wooded with a sloping bank that drops 80' so there are no other locations for the parking close to Building F. Relief from the 10' setback to 7' (three foot variance) and approval of 8' spaces versus 9' spaces is requested. If the spaces must remain at 9' then a four foot variance is requested. Miranda Lescaze, Cathedral Square, noted the adjoining neighbors were contacted regarding support of the project. Only five of the 23 replied. The replies were in support of the parking plan.

There was discussion of potential alternate locations for parking (relief from the setback is requested for 15 of the 20 spaces). It was noted the area on the southern end of the property is used as an outdoor sitting area by residents and there is an access and utility easement to the church property on the north side of the property so space for parking is not available.

Tom Weaver asked for further explanation of the variance being the minimum variance necessary and the hardship not being created by the applicant. Scott Homsted explained the applicant properly followed and met the rules of the development approval when the property was developed and then the unanticipated demand for parking became apparent. The applicant did not cause the demand. Miranda Lescaze added the number of existing spaces on the site (84) exceeds the number of required spaces (73). The development is special needs housing and parking for caregivers was anticipated in the original development. Each resident has one parking space, but with parking for caregivers and visitors more space is needed.

Aaron Martin mentioned using existing open spaces on the site to absorb the extra parking spaces (i.e. squeeze in parking between Building D and Building C or inside the quad behind the buildings). Scott Homsted pointed out the residents use the green space between the buildings as an outdoor sitting area and the quad is thick natural wooded forest. Also, the parking spaces would be farther away from the area needing more

parking. Tom Weaver suggested the existing four spaces between Building D and Building C be increased to six and the spaces be designated for visitors and/or staff/caregivers. Mr. Homsted noted often the caregivers will have residents with them.

There was discussion of allowing 8' parking spaces rather than 9' spaces. The Zoning Board concurred with 8' spaces. Robin Pierce pointed out it is easier to have the smaller spaces with parallel parking. The layout of the parking helps keep cars from parking too close to the buildings. Miranda Lescaze said if the parking spaces cannot be formalized and made safer and more delineated then the current parking situation will likely continue.

PUBLIC COMMENT

Rich Peliel, 116 West Street (Lot 7 on the site plan), mentioned the light by the dumpster on the Whitcomb Terrace site is bright and shines into the bedrooms without the screening of trees. There is concern the applicant will remove trees for parking which will eliminate the screening. The applicant noted cutting would be limited to some branch trimming. Robin Pierce suggested using down shielded lights that are "dark sky compliant".

There were no further comments.

MOTION by Martin Hughes, SECOND by Jim Moody, to close the public portion of the variance application for parking at 128-136 West Street by Whitcomb Terrace. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Variance, Parking Spaces, 128-136 West Street, Whitcomb Terrace

There was again mention of the need for the minimum variance and concern expressed that the parking is in the backyards of the lots fronting West Street. Presently people are pulling straight into the parking spaces so the cars are closer to the lots along West Street and headlights shine onto the houses. The proposed parking arrangement will eliminate this situation. It was noted the applicant did meet the parking requirements for the development, but the proposal makes the parking work better for the residents.

FINDINGS OF FACT:

1. The property is in the MF-2 District with a lot size of approximately 301,840 s.f.
2. Minimum lot size in the MF-2 District is 7,500 s.f. for the first dwelling unit and 5,000 s.f. for each additional unit.
3. The appellant is seeking to formalize a parking situation that currently exists.
4. The side yard setback requirement in the MF-2 District is 10'.
5. Parking currently occurs in the areas shown on the site plan. The area is currently grassed.
6. The applicant is requesting a variance of three feet from the side yard setback for 15 of the 20 proposed parking spaces.

7. The applicant proposes a reduction in parking space width from 9' to 8'.
8. An established hedge screens the proposed parking from neighbors.
9. There have been no complaints to the village from neighbors regarding the current parking situation at the site.
10. There was public comment on the application.

CONCLUSIONS:

1. Findings #1-#10 support the variance criteria in Section 1703.C (1-6).

MOTION by Jim Moody, SECOND by Aaron Martin, based on the Findings and Conclusion to grant the variance request by Whitcomb Terrace, LP for relief from the side setback to construct parking spaces three feet within the 10' setback at 128-136 West Street. VOTING: unanimous (4-0); motion carried.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

MOTION by Martin Hughes, SECOND by Jim Moody, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 6:50 PM.

RScty: M.E. Riordan

