

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3553

Applicant(s): David and Alice Olenick

Parcel ID: #06-110

Reason for Application: Construction of an accessory dwelling that exceeds 30% of the existing livable floor area of the principal dwelling

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Lindsay Browning, and Pete Ludlow (via phone); ZA: John Weir; Public: David Olenick, Alice Olenick, Kate Hunt, and Steven Hunt

Introduction and Procedural History:

1. The Development Review Board application was filed on October 16, 2019. The subject parcel is parcel ID# 06-110.000, located at 69 Mad River View. Applicants David and Alice Olenick request conditional use approval under Section 4.1 (B) of the Fayston Land Use Regulations for construction an accessory dwelling that exceeds 30% of the existing livable floor area of the principal dwelling. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.
2. Notice of the hearing was properly published. On October 24, 2019 the legal warning for a public hearing for review of this application was published in the Valley Reporter. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.
3. Abutters to the property were properly notified of the hearing.
4. The application and plans were considered by the Development Review Board at a public hearing which occurred on November 12, 2019. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Conditional Use application #3553

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Narrative addressing General and Specific Review Standards (dated October 16, 2019)

Exhibit D. Site Plan (Bannon Engineering, dated 7/27/1998)

Exhibit E. Warning placed in the Valley Reporter on October 24, 2019. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. The Board found the application to be complete at a public hearing held November 12, 2019.
2. The property is located in the Rural Residential District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.4 of the Town of Fayston, VT land use regulations.
3. The applicant's parcel is adjacent to land owned by Karen Moyers, Dorothy McGann, Matty & Megan Wishnow, Jean Koch, Trustees, and Robert and Christine Newis.
4. Applicants seek to convert a finished space within a garage structure to a one-bedroom accessory dwelling.
5. There are two buildings on the site. The primary structure is a single family residence with four bedrooms. Connected to the house by a breezeway is a garage with finished upstairs/downstairs spaces.
6. The finished spaces within the garage are permitted on both on the local and State level as an office.
7. The proposal is to convert the finished office space to a one-bedroom accessory dwelling. No exterior construction or additional square footage is proposed. Aside from the addition of a kitchenette and shower, there will be little other renovation to the space from its current state.
8. Applicants have an approved State wastewater system for a four-bedroom house. Currently, both the primary residence and the office space have separate holding tanks, with separate piping that comes together into a common leachfield. Applicants have pending a wastewater application with the State proposing to split the wastewater permit into a three-bedroom single-family dwelling with a one-bedroom accessory dwelling.
9. Both the primary dwelling and the finished spaces in the accessory structure have their own driveway and parking. Each structure has its own electrical units.
10. The project proposes an accessory dwelling that is approximately 38% of the livable floor area of the primary dwelling.
11. There are between 6-9 spaces between the two structures.
12. Well data submitted to the State has been shown to be satisfactory.
13. Pursuant to Section 4.1 (B) of the Fayston Land Use Regulations: "An accessory dwelling of greater than 30 but not more than 40 percent of the existing livable floor area of the principal

dwelling located within the principal dwelling or an existing accessory structure may be permitted in designated zoning districts subject to the requirements of subsection (A) and conditional use review in accordance with Article 5.”

14. The Board reviewed the requirements of subsection A, finding that the project meets the criteria listed therein. Namely, the accessory dwelling: would be located within an existing accessory structure; meets all setback and dimensional requirements of the district; and has adequate water supply, septic capacity and parking.

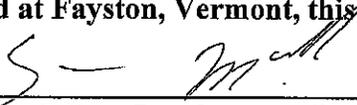
15. Pursuant to Conditional Use review, the Board found that the General and Specific Review Standards of Section 5.4 were satisfied by the narrative provided along with the applicants’ application materials. An undue adverse impact analysis was not necessary.

Decision:

DRB members voted unanimously to approve conditional use application #3553 with the following conditions:

1. Obtain and follow all State and Federal permits.

Dated at Fayston, Vermont, this 20th day of November, 2019.



Shane Mullen, Development Review Board Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [Development Review Board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.