

Town of Dover

P.O. Box 428
West Dover, VT 05356
(802) 464-8720

DOVER DEVELOPMENT REVIEW BOARD NOTICE OF DECISION Application 16-XS012-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Landowner: Shaw Funding
2. Applicant: Vasilios Lefkaditis, Managing Director, Shaw Funding
3. Brief Description of Request: Response to a Zoning Violation Warning issued July 25, 2016 by the Zoning Administrator for encroachment on a 50' wooded buffer in accordance with Sections 360, 555, and 1140 of the Dover Zoning Bylaw.
4. A copy of the application was received by the Zoning Administrator on August 11, 2016.
5. On August 19, 2016, a copy of the Notice of Hearing was mailed to the Applicant, along with a sample letter and abutter's list for notifying all abutters.
6. Public notice of the hearing was posted at the following locations on August 18, 2016:
 - a. Dover Town Clerk's Bulletin Board
 - b. Dover Town Meeting Room Bulletin Board
 - c. Dover Free Library & Dover Elementary School via email
 - d. East Dover Post Office via regular mail
 - e. Town of Dover website: www.doververmont.comPublic notice of the hearing was also published in the Deerfield Valley News and in the Brattleboro Reformer on August 25, 2016.
7. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an interested party the opportunity to do so; no such requests were made or granted.
8. At the outset of the hearing, the Applicant was given and accepted the opportunity to review the application summary submitted by the Zoning Administrator, Exhibit A. The Applicant agreed with the summary provided by the ZA.
9. A public hearing was held and closed on September 22, 2016.
10. A complete list of exhibits and attendees is included in the meeting minutes. Minutes, application and exhibits are available for viewing in the Dover Town Office through the Zoning Administrator.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based on the application, testimony, exhibits and other evidence, the Dover DRB finds as follows:

1. The property is located at 23 Spring Hill Rd, in West Dover VT. It is located in the Productive Residential District (PRO).
2. The hearing was properly warned.
3. All abutters were notified by the Applicant.
4. The Applicant was properly sworn prior to providing testimony.
5. The Applicant is requesting variances of 34" on the Northeast deck and 39" & 28" on the Northwest corner of the porch.
6. The Applicant acquired the subject property through foreclosure. The property was approximately 70% completed when acquired, including a majority of the porches. The

- Applicant completed the top.
7. There is 127' between the subject property structure and the nearest adjoining property's structure. There is 395' between the subject property structure and the adjoining property's structure from the Northwest corner.
 8. Pursuant to the Specific Standards for Issuance of a Variance in accordance with Bylaw Section 1140, there are five conditions to be considered, all of which must be met in order for a variance to be granted:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographical or other physical conditions peculiar to the particular property, and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning regulations in the neighborhood or district in which the property is located;
 2. That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That the unnecessary hardship has not been created by the appellant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located; will not substantially or permanently impair the appropriate use or development of adjacent property; will not reduce access to renewable energy resources; not be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulations and from the plan.

C. DECISION

Based on the evidence presented, by a vote of 0-4-0, the Board denies this Application for the following reason:

On the five conditions required for issuance of a variance, the Board finds and concludes as follows:

All five of the facts were not specifically found; the application does not conform to the requirements 1 & 2, above.

Respectfully submitted,



November 3, 2016

Sarah K. Shippee
Chairperson, Dover Development Review Board

Date

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested party who participated, through oral or written testimony, in the proceeding(s) before the DRB. Such appeal must be taken within 30-days of the date of this decision, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

NOTICE: State permits may be required for this project. Call 802-885-8850 to speak to the regional Permit Specialist before beginning any construction.