

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
August 11, 1993

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Theresa Breault; Ralph Wiltshire; Ida Mae Anderson; Jean Wickart and Paul Trudell.

BOARD MEMBERS ABSENT: Rose Lambert (Excused).

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: Bruce Killian and Gail Ames.

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of 07/28/93 for amendments/corrections. Ralph made the motion to approve the minutes as presented. Theresa seconded. All in favor. So approved.

7:30 P.M. -- BRUCE KILLIAN: FRONT SET-BACK VARIANCE FOR A DETACHED GARAGE TO BE LOCATED OFF THE RANDOLPH ROAD. (New Application with Re-designed Plans.)

Mr. Killian advised that the garage would be constructed at an angle; that no portion of the garage would be closer than 50' from the center-line of the road; that he was seeking a 15' Variance for the closest front corner of the garage.

Gary advised this application would be heard under the Town of Morristown's Zoning By-Laws, Section 280, RR/AG-(Page 8) and Section 416, Variances-(Page 24) and Section 4468 of the ACT.

Ralph made the motion to grant approval for a Front Set-Back Variance of 15 feet for the closest corner of the garage on the northern front corner of the garage; that no portion of the garage will be closer than 50 feet from the center of the road. Ida Mae seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, Section 280, RR/AG-(Page 8) and Section 416, Variances-(Page 24) and Section 4468 of the ACT, the BOA granted approval for construction of a garage requiring a Front Set-Back Variance of 15 feet for the closest corner of the garage on the northern front corner of the garage; that no portion of the garage will be closer than 50 feet from the center of the road.

GENERAL BUSINESS: Gary advised that last night (08/10/93) the BOA members conducted a Site-Walk of the James Paige property, located on Brooklyn Street in Morrisville, VT. Mr. Paige was requesting a Side-Setback Variance to allow the construction of stairs on the outside of his garage. After measuring the property lines between Mr. Paige's property and the property of Gary & Linda Briggs, the garage measured 15' to the Briggs' property line. The proposed stairs measure 3' wide, leaving 12' to the Briggs' line. No Variance required.

Ralph advised that there will be a public meeting regarding the RT 100-Corridor, which is scheduled for AUGUST 19th, 1993 @ 7:00 P.M. in the Public Safety Building's Conference Room.

Ken advised that Morristown Police served Robert Davis with a notice to comply with Zoning Order Request, today at 1:15 P.M., as he refused acceptance of his certified mail of same.

8:00 P.M. -- GAIL AMES: RECONVENED FROM RECESSED HEARING OF 07/28/93. A Site-Walk of the property was conducted at 6:30 P.M., date, by BOA Members: Gary Nolan; Theresa Breault; Ralph Wiltshire and Paul Trudell, and Recording Secretary Donna Phelps.

Jean and Ida Mae did not participate in this Hearing or Decision.

Gary advised this Hearing would be heard under the Town of Morristown's Zoning By-Laws, Section 280 & 283 (a) - RR/AG (Page 8) and Home Industry, Section 460 (Page 29) and Conditional Uses, Sections 630--637, Pages 40-41. - Change of Use.

Gail advised she will be seeking information from the Historical Society to see if the property qualifies as a Historical Building for her proposed Bed & Breakfast business.

After a brief discussion, the qualifying Board members went into Deliberative Session to address the following criteria:

SECTION 280: RURAL RESIDENTIAL W/AGRICULTURAL USE (RR/A). Page 8
a) This property is located in area zoned RR/A

SECTION 283: CONDITIONAL USES
a) Home Industry (Section 460) (Bed & Breakfast business);

SECTION 460 - 461.6: HOME INDUSTRY Page 29

461.1 This seven (7) bedroom, Bed & Breakfast operation would be conducted by Gail Ames and members of her family with no more than three (3) on-premise employees who are not members of the family;

461.2 N/A

461.3 No exterior displays, exterior storage, (other than wood piled on the exterior) of materials; will be permitted by the Board of Adjustment;

461.4 The Board does not foresee a problem with this operation causing objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare, etc.

461.5 There will be no excessive increase in traffic caused by the operation of a Bed & Breakfast.

461.6 Plans presented to the BOA include 10 parking spaces, to be located on the south side of the present garage to serve guests and up to three (3) employees, in addition to the three (3) garages to serve owner and family. (Section 450-452 (k) is provided for under this criteria).

SECTION 630: CONDITIONAL USES Page 40

632.1 N/A
632.2 N/A
632.3 N/A
632.4 N/A
632.5 N/A
632.6 N/A

633.1 N/A
633.2 N/A

FURTHER DETERMINATIONS:

635.1 N/A
635.2 N/A
635.3 The State of Vermont Highway Dept. will review and control access points to the property.
635.4 N/A
635.5 Ten (10) parking spaces for guests/employees, plus three (3) garages to be used by family members.
635.6 Signage will not exceed 10 sq. ft.
635.7 Present landscaping is adequate. Ms. Ames advises she is considering planting screening as a wind-break in the back of property.
635.8 N/A
635.9 The BOA will require that an future enlargement or alteration of the use be reviewed by the BOA to permit the specifying of any new conditions.

SECTION 636: EXTRA CONDITIONS

All applicable State permits pertaining to the operation of a Bed & Breakfast business are to be obtained and submitted to the Morristown Zoning Administrator for review prior to being issued a Morristown Zoning Permit.

SECTION 637: N/A

After deliberations, Ralph made the motion to grant permit approval of the Conditional Use/Change of Use for a seven (7) room Bed & Breakfast business with the following conditions stipulated:

- 1) This business property is to remain only as a Bed & Breakfast operation;
- 2) That a minimum of ten (10) parking spaces will be provided for guests and employees, in addition to the three (3) garage spaces for family members.
- 3) That access to the property is to be approved by the State of Vermont Highway Department.
- 4) That Gail Ames will seek Historical Recognition Status for this residence.
- 5) That this application is to meet all State Regulations pertaining to a Bed & Breakfast as a Home Industry.
- 6) That the permit is applicable for a period of one (1) year from the date of issue; at the end of the one (1) year period, the applicant must come back before the Board of Adjustment for review.
- 7) That all applicable State Permits must be obtained and submitted to the Morristown Zoning Administrator, prior to the issuance of the Morristown Zoning Permit(s).

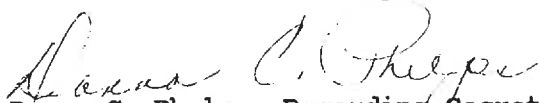
Theresa seconded Ralph motion. All in favor of permit approval of a Bed & Breakfast business with the above conditions.

FACTS OF FINDINGS: Based on and examined under the Town of Morristown's Zoning By-Laws, Section 280 & 283 (a) - RR/AG (Page 8) and Home Industry, Section 460 (Page 29) and Conditional Uses, Sections 630--637, Pages 40-41. - Change of Use, the BOA granted approval with the following conditions stipulated:

- 1) This business property is to remain only as a Bed & Breakfast operation;
- 2) That a minimum of ten (10) parking spaces will be provided for guests and employees, in addition to the three (3) garage spaces for family members.
- 3) That access to the property is to be approved by the State of Vermont Highway Department.
- 4) That Gail Ames will seek Historical Recognition Status for this residence.
- 5) That this application is to meet all State Regulations pertaining to a Bed & Breakfast as a Home Industry.
- 6) That the permit is applicable for a period of one (1) year from the date of issue; at the end of the one (1) year period, the applicant must come back before the Board of Adjustment for review.
- 7) That all applicable State Permits must be obtained and submitted to the Morristown Zoning Administrator, prior to the issuance of the Morristown Zoning Permit(s).

Ralph moved to adjourn the meeting at 8:50 P.M. Paul seconded. So adjourned.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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