

TOWN OF WARREN  
 DEVELOPMENT REVIEW BOARD  
 FINDINGS OF FACT AND NOTICE OF DECISION  
 VARIANCE REVIEW  
 #2008-05-VR McMANN

Received for Record 10/2 2008  
 at 10 o'clock A M and Received in  
 Vol. 197 Page 299-300  
*Ruth Robbins*

TOWN CLERK

The McMann's obtained a Conditional Use permit earlier this year that granted 30% setback relief for their intended addition. The McMann's are now requesting additional setback relief by asking for a Variance as the proposed addition exceeds the 30% maximum allowance under §3.6 (C) (1). The property is located at 149 Upper Village Road, parcel id # 210013-000 in the Sugarbush Village Residential District.

A duly warned hearing was held on July 9, 2008 and attended by the following members: Peter Monte, David Markolf, Lenord Robinson, Bob Kaufmann and Chris Behn [arr. 7:40pm]. Others also in attendance were: Joan Foster, Jane Lolax, Peter Lazorchak, Andrew McMann, Miron Malboeuf and Ruth Robbins. A site visit was conducted prior to the July 9<sup>th</sup> meeting and was attended by Mr. Monte, Mr. Markolf, Mr. Malboeuf and Mr. McMann.

The first hearing was continued, at the request of the applicant, to a hearing on September 17, 2008. At that hearing the following members were in attendance: David Markolf, Chris Behn, Virginia Roth, Lenord Robinson and Bob Kaufmann. Others also there were: Alice Olenick, Dave Olenick, Andrew McMann, Shelia Getzinger, Mark Bannon, Dick King and Ruth Robbins.

#### Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a completed application, elevation drawings and site plan prepared by Littlehailes Design dated 6/11/08 and a subsequent site plan dated 9/10/08.
- 2) Letter from Margo Wade at Sugarbush Resort dated 6/30/08.
- 3) Copy of an email to Mr. McMann the applicant from Doug Dratch a neighbor dated 6/16/08.
- 4) A sheet showing several photographs of the dwelling.
- 5) The applicant obtained setback relief as allowed under § 3.6 (C) (1) in a decision by the DRB signed on April 23, 2008.
- 6) After much discussion at the July 9<sup>th</sup> hearing the Board kept coming back to the variance requirement of "minimum encroachment for reasonable use" and indicating that the design submitted did not meet that standard.
- 7) The Board continued the hearing to a later date to allow the applicant to consider revising his plans to better conform to the variance requirements.
- 8) The plan presented at the September 17<sup>th</sup> hearing shows that only the covered access to the dwelling encroaches on the setback by a little less than three feet. Previously the encroachment was significantly more.
- 9) The measured distances as shown on the site plan dated 9/10/08 prepared by Littlehailes Design are considered accurate as they will be the measurements used to test compliance.

