

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
2017-26-VO & CU Sharry**

The property owners, John F. & Mrs. Jean S. **Sharry** commenced construction of a raised patio within the FEH overlay district without obtaining the proper permit. They were issued a violation and are now asking for Conditional Use approval to continue the project and cure the violation. The property is an existing single family residence, located in the Warren Village Historic, FEH and Flood Hazard Overlay Districts, Property Id 004004-800.

A duly warned hearing and site visit were both held on Monday June 19, 2017 and attended by DRB members Peter Monte, Tom Boyle and Virginia Roth. Others in attendance were: Megan Moffroid, Peter Lazorchak, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, site plans, notice to abutters and proof of mailing.
- 2) The request for Conditional Use approval is to cure a violation for development that was begun without a permit in the FHO District and the FEH Overlay District.
- 3) The DRB members observed the work that had been initiated at a site visit which showed where a large stone outcropping [bedrock ledge] had been exposed to create an area for a proposed patio.
- 4) Wilcox and Barton Engineering determined that the Base Flood Area actually falls below the project site area and Mr. Swanberg, the Central VT Floodplain Manager, agreed with the findings. NOTE: Letter from Mr. Swanberg to Mr. Malboeuf, Warren Zoning Administrator, 6/19/17 was submitted to the DRB.
- 5) Though the project is outside of the 100 year flood designated area also referred to as the Flood Hazard Overlay District the parcel in its entirety is located in the Fluvial Erosion Hazard [FEH] Overlay District and is subject to DRB review.
- 6) The Board found that because the project includes a new dry laid stone wall at the west end of the proposed patio which is closer to the river than any part of the existing structure on the property, the stone wall does not fall under permitted uses as listed in Table 2.16 (C).
- 7) The Board found that this project falls within the Conditional Use as stated in Table 2.16 (E) item 5 Grading and Excavation.
- 8) The Board found the application has satisfied the standards under Table 2.16 (G) District Development Standards.

Notice of Decision:

Having found that the application has satisfied the standards under Table 2.16 Fluvial Erosion Hazard Overlay District, the Development Review Board approves Conditional Use for the purpose of constructing a patio as per the plans and specifications submitted as well as the following conditions:

