

Application for Conditional Use Review

Findings and Decision

Permit Application NO: 03.0107
Applicant Name: Carl Wyman
Landowner Name: Carl Wyman
Project Location: 5748 Route 131, Perkinsville, VT 05151
Parcel ID# 030207

Introduction and Procedural History

1. This proceeding involves review of an application for a zoning permit for a Change of Use submitted by Carl Wyman under the Town of Weathersfield Zoning Bylaws.
2. The application was received by the Zoning Board Administrator on May 5, 2020.
3. Notice of a public hearing was published in the Valley News.
4. Notice of the public hearing was posted in the following places
 - The municipal clerk's office
 - Town of Weathersfield, VT website
 - Proctor Library Website and bulletin board
 - Ascutney and Perkinsville Post Offices
 - Ascutney Market
5. A copy of the notice of a public hearing was mailed to the Applicant.
6. The application was considered by the Zoning Board of Adjustment at a public hearing at 7:00 PM on Thursday May 14, 2020.
7. The Zoning Board of Adjustment reviewed the application under the Town of Weathersfield Zoning Bylaw, adopted by the voters on March 5, 1974 and including all subsequent amendments of the Zoning Bylaw through October 21, 2013.
8. Present at the hearing via Zoom were the following members of the Zoning Board of Adjustment:
 - Todd Hindinger, Vice Chair
 - Jim Cahill, Clerk
 - John Broker-Campbell
9. Also present at the meeting at Martin Memorial Hall were:
 - Willis Wood, Chair;
 - Carl Wyman- Applicant

- Chris Whidden- Zoning Administrator.
 - Diana Stillson-Recording Secretary
 - Paul Tillman
10. At the outset of the meeting the Zoning Board of Adjustment afforded those wishing to achieve status as interested persons an opportunity under 24 V.S.A. 4465(b) to demonstrate that the criteria set forth in that statute meet the definition of an interested person. The following were determined to meet the definition of interested persons:
- Carl Wyman
12. At the outset of the meeting, the Zoning Board of Adjustment asked if there were any persons present who wished to give evidence or testimony during the hearing. The following were sworn in by the chair:
- Carl Wyman
13. Board members were asked to disclose any potential conflict of interest. Neither the applicant nor any member of the Zoning Board expressed concern about conflicts of interest.
14. During the course of the meeting, the following exhibits were submitted to the Zoning Board of Adjustment.
- Exhibit #1- The Zoning permit application-2 pages.
 - Exhibit #2 -a schematic of the building.
 - Exhibit #3- The Zoning Board Notice of Decision received on April 10, 2007 – 5 pages.
 - Exhibit #4 – Site Plan of the property that is the subject of the current application. Dated February 28, 2007.
 - Exhibit #5- lot configuration of the property that is the subject of the current application. Dated February 28, 2007.
 - Exhibit #6- An email from Carl Wyman.
 - Exhibit #7-sign off sheet from the town authorities (highway department, fire department, and school principal).
15. This application was reviewed under the following sections of the Weathersfield Zoning Bylaws:
- Section 4.3.2(f) Highway Commercial (HC).

Findings

The following facts are deemed relevant to the board's decision on this application. These facts are compiled from the application project documents

including the written application, the items listed in the exhibits, testimony and evidence provided by the applicant and other parties present at the hearing:

- F1. Parcel# 03.0107 is a 2 story 3420 sq. ft. building having an office space of 2620 sq. ft. and a one bedroom apartment of 800 sq. ft. It is located at 7409 Route 131, Perkinsville, VT.
- F2. The property is located in a Highway Commercial (HC) District.
- F3. The following change of use is sought by the Applicant: Keep the existing one-bedroom 800 sq. ft. apartment on the west end of the building. Divide the remaining 2620 sq. ft. office space and above storage into an 1120 sq.ft. office space, a 1500 sq.ft. one-bedroom apartment on the east end of the building.
- F4. In doing this, the building use and occupancy would change by: Decreasing the former 10 person office employee capacity to a 4 person office employee capacity and converting this space and occupancy to a one-bedroom two-person max occupancy apartment.
- F5. Testimony of the applicant and the Zoning Administrator is that the town is in need of more rental units.
- F6. Bylaws prohibit new two-family dwellings and multi-family dwellings.
- F7. Bylaws do permit the alteration of a two-family dwelling from pre-existing single-family dwelling and other uses of a similar type and character meeting the purposes of the district.

Decision and Conditions

At a deliberative session on May 21, 2020, and by a 3-1 vote, the Zoning Board of Adjustment APPROVED the change of use application with the following decision and conditions;

- D1. The Zoning Board of Adjustment concludes that the proposed change of use resembles the Conditionally Allowed Principle Use of the alteration of an existing single-family dwelling to a two-family dwelling. The application to downsize the office space from 10 employees to 4 employees and increase the dwelling units from one to two single bedroom apartment units is approved as an Other Use, thought to be of a similar type and character as those listed in the district, as conditionally allowed in the Zoning By-Laws.
- C1. Comply with State of Vermont permitting requirements for this change of use, including permitting and modifying the building to comply with the Vermont Building Code.
- C2. Comply with State of Vermont permitting requirements for this change of use, including permitting and modifying the well water system.

Dated at Weathersfield, VT. 9TH of JUNE 2020

BY: Willis Wood

Willis Wood, Chair

Members participating in the hearing and
Deliberation

Willis Wood, Chair

Todd Hinderger, Vice Chair

James Cahill, Clerk

John Broker-Campbell