

Request for Building Permit & Site Waiver

John Dehn and Ann Boeckman

To Whom It May Concern:

Property owners, John Dehn, and Ann Boeckman (as trustee), ("Owners") currently reside at 3222 N. Southport Ave. #3N, Chicago, IL 60657. Owners submit this request for a building permit and site dimension waiver pursuant to the Town of Cornwall Zoning Regulations (ZR).

Owners wish to build a retirement home with a garage on the vacant land they purchased at TBD Sperry Road, recorded in Book 74, Page 401, SPAN # 162-051-10754, a lot of approximately +/- 19.86 acres, which is on the south side of Sperry Road (Tax Parcel ID 080218.2). This parcel lies approximately 800 feet west of State Highway 30 in the Town of Cornwall's Low Density Residential (LDR) district.

Adjacent Parcels Owners of Record

According to the Vermont parcel viewer website, the current adjacent lot owners (and the general location of their lots in relation to the subject parcel) are:

KLARA CALITRI, 69 SPERRY RD CORNWALL, VT, 05753 (east and north, ***closest abutting neighbor***)

VAUGHN G GOODING, JR TRUST-2017, 2014 ROUTE 30 CORNWALL, VT, 05753 (east and south)

SEAN & JANUARY STEARNS, 2144 ROUTE 30 CORNWALL, VT, 05753 (south and east)

EDWARD & CYNTHIA PEET, 2239 ROUTE 30 CORNWALL, VT, 05753 (south and west)

RENEE MOSIER & JESSE SAFRAN, 433 SPERRY ROAD CORNWALL, VT, 05753 (west)

The current owners to the north of the subject parcel (across Sperry Road) are:

JOYCE STEPHENS, 84 SPERRY RD CORNWALL, VT, 05753 (north and east)

JENNIFER MUSKOPF, 346 SPERRY RD CORNWALL, VT, 05753 (north and west)

Documents required by the Town of Cornwall zoning regulations to request a site waiver are included with this request. Additional information related to the site waiver, including a thorough explanation of the basis for the waiver request, are discussed below.

Waiver Request

Owners respectfully request a building permit and a waiver of approximately 30 feet of the 50-foot side yard setback along the eastern property line near the northeast corner of the parcel per the attached site plan. The requested waiver arises from the topography of the land. Owners submit that granting the requested waiver is consistent with the character of LDR area and the objectives listed in the Town of Cornwall Zoning Regulations for the LDR district, which include "to preserve and encourage agriculture," and that "future residential development ... locate away from agriculturally viable land and environmentally sensitive areas." (ZR, Section 260, para. A) These two goals are also prominent in the most recent town plan. (Cornwall Town Plan 2023-2028 (CTP), pp. 101, 126-128) As explained herein, the requested waiver also "accommodate[s]...energy conservation [and] renewable energy structures" (ZR, Section 383 (5)) and is consistent with the town plan's goal "to take the necessary steps toward creating more energy-efficient and sustainable homes and lifestyles." (CTP, p. 48). The home and garage are also designed to accommodate disability accessibility (one level living) should Owners become disabled or should they ever need to provide care for a disabled relative. (ZR, Section 383 (5))

Explanation for Site Waiver Request

Owners purchased the parcel from the Breadloaf View Farm Realty Trust V (Janet Franklin, trustee), which had the parcel surveyed for subdivision. Pursuant to this planned subdivision, Jeff Kelley, a licensed site designer, tested the soils and developed two site plans with state approved wastewater and potable water supply permits: one on the west side of the parcel consisting of a 10-acre (+/-) pasture ("Lot 1") and 9.67 (+/-) acres east of pasture ("Lot 2"). (Owners were informed that the subdivision was not completed because the previous owner had reached the Act 250 limit.)

Owners purchased the entire parcel with the primary goal of building a retirement home on "Lot 2." Should their financial and other circumstances (such as physical health) allow, Owners wish to preserve the pasture for agricultural use, such as cutting hay or raising chickens, sheep, or goats, as well as for personal and neighborhood recreational use, such as hiking, snowshoeing, and cross-country skiing. It is Owners' understanding that the previous owner occasionally cut hay from the pasture.

Prior to purchasing the land, the owners employed an environmental consultant from Dubois & King to examine and advise them about the land's environmentally sensitive features and its suitability for development, including the possibility of constructing a trout pond in the pasture. (The report is included with this request.) The owners also consulted with the Town of Cornwall Conservation Commission and, at their recommendation, requested and received an assessment of the property from Travis Hart of the Vermont Department of Fish and Wildlife, who walked the parcel with Owners. Both assessments concluded that clearing and building a home in the northeast corner of the parcel would be consistent with all evident environmental considerations. (Email from Mr. Hart also attached.)

The topography of "Lot 2" can be divided into 4 sections, with section 1 being the northeast section of the lot adjacent to Sperry Road. This is the most elevated section of the parcel, which is flat to very gently sloping. Beyond the front yard setback, along the west edge of this section, there is a rock ledge that somewhat abruptly drops roughly 11-15 feet in elevation. The site plan created for the previous owner placed a 4-bedroom home along this ledge, but with the house oriented to face east-northeast. At the new home site proposed by Owners, this ledge is approximately 100-105 feet from the east property line, or approximately 50-55 feet from the side yard setback of 50 feet.

Section 2 of Lot 2 extends to the west, southwest, and south from the ledge and slopes gently to moderately downward for a few hundred feet. Section 3 is a somewhat steeper, wooded slope down to the west to a section of Beaver Brook with adjacent, unclassified wetlands. (The environmental consultant estimated these to be Vermont Class II wetlands.) Section 4 is a steeper slope up to the west from the brook and wetlands to the edge of the pasture. In addition to the wetlands, most of the third and fourth sections potentially provide a wildlife corridor for deer, turkey, and other (primarily terrestrial) species. The Owners' proposed home site maximizes the distance, within reason, from all state wetland and river corridor buffer zones and the potential wildlife corridor.

Consistent with the town plan and overarching goals of the LDR zoning regulations, Owners would like to build an energy-efficient two-story home in the style of a traditional Vermont farmhouse (approximately 2,100 square feet plus an unfinished basement), with a short breezeway and a two-car, barn-style garage. Owners are working with Vermont Integrated Architecture and Northern Timbers Construction to build a "net-zero energy" home that leverages solar panels with backup batteries, passive solar gains, and highly efficient building materials and techniques such that the home will produce at least as much energy as it requires.

The waiver is needed primarily because Owners wish to orient their home to face north, toward Sperry Road. Several considerations support this orientation. First, and most importantly, this orientation will maximize the home's southern exposure and thereby the efficiency of roof-mounted solar panels and passive solar gains. Second, and also important, locating the home in the far northeast corner of the parcel maximizes its distance from the brook, wetlands, including their associated buffer zones and potential wildlife corridor while preserving the pasture for agricultural and recreational use. (Owners' understand that there is an informal agreement among neighbors to allow hiking and cross-country skiing in the pasture.) Third, it seems more consistent with the character of the area for homes to be oriented toward the road. Finally, this location and orientation are consistent with "a more rural pattern with clusters of buildings separated by open land." (ZR, Section 260, para. A)

Orienting the home to face the road creates a challenge related to the ledge. If Owners situate the home such that its west side is on the ledge, an adjacent garage will intrude into the side yard setback. If they move the house (or garage) to the west to accommodate the setback, additional site engineering (including additional fill) would be required. The house (or garage) would also be closer to the brook, wetlands, and potential wildlife corridor. The location of the state approved septic mound system also makes it difficult or impossible to place the garage west of the house. Additionally, the garage and house are currently designed to accommodate one-level living should that become necessary for the Owners or if they must care for a family member at some point.

Other potential locations that might reduce or eliminate the setback intrusion create other issues and concerns. Placing the garage behind the house in a location consistent with the setback would reduce passive solar gains and the efficiency of roof-mounted solar panels. Moving the entire house further south on the parcel would require a longer driveway and more extensive excavation for connection to utilities and the approved septic mound. It would also be constrained by the ledge, which bends back towards the east lot as one moves south. Placing the garage in front of the house seems less consistent with the character of the area and, because of the ledge, would bring the front yard setback into play.

Owners submit that the location of neighbors' homes on adjacent lots do not compel strict observance of the side yard setback at the proposed location of the house and garage. The lots abutting the east property line of the subject parcel are roughly 5 acres in size with homes centrally located on those lots. On the lot most closely abutting the location of the requested setback waiver (KLARA CALITRI, 69 SPERRY RD CORNWALL, VT, 05753), the home is hundreds of feet away from the lot line. Additionally, Mrs. Calitri's home is not visible from the proposed home/garage site and is screened from that site by a very dense thicket of woods on her lot. No additional screening would be needed (and if it were, the garage would provide it). Granting the waiver should therefore have minimal to no impact upon adjacent homeowners, nor would it result in buildings on separate lots in close proximity.

Owners respectfully submit that granting the building permit and setback waiver would optimally balance environmental and other overarching town plan and zoning regulation goals with the topography of the land and the construction of a farm-style home and garage. They also respectfully submit that the waiver requested is consistent with the town plan, the goals stated in Section 4302, the character of the area, and respect for our future neighbors. The waiver also best accommodates energy efficiency, the use of renewable energy, and disability accessibility, if needed.

Sincerely,

John Dehn & Ann Boeckman

APPENDICES: As noted above

APPENDIX A

Relevant Sections of Town of Cornwall Zoning Regulations

Section 260: LOW DENSITY RESIDENTIAL (LDR)

A. Objectives and Guidelines

This district encompasses most of the western half of the Town, where agriculture continues as one of the - primary existing land use. Consequently, one of the primary objectives of this district is to preserve and encourage agriculture.

Existing residential uses will be supported and future residential development will be encouraged to locate away from agriculturally viable land and environmentally sensitive areas. New residential development should be encouraged to follow a more rural pattern with clusters of buildings separated by open land. Architectural styles similar to those typical of the town's historic farmsteads should be encouraged. Use of PUDs and conservation subdivision principles should be encouraged and rural amenities, such as trails, should be incorporated into major subdivisions.

Commercial uses within this area will continue to be primarily home-based businesses, including those that are based out of buildings on the property other than the residence. Agricultural-related businesses or adaptive reuse of agricultural buildings should be encouraged.

Public uses, with the exception of recreation, should not be encouraged in this district, in order to guide such uses into Cornwall Village.

B. Permitted Uses:

By Right Uses:

1. Exempt uses (See Section 301)
2. One-family or two-family dwelling
3. Multiple-family dwelling (< or =4 units/structure or conversion of existing structure)
4. Home occupation
5. Accessory use or building ...

SECTION 380: WAIVERS

As an alternative to the variance procedures noted above, applicants may apply for site waivers of dimensional requirements pursuant to the criteria below.

Section 381: APPLICATION

The applicant shall submit the information required to the Zoning Administrator by filing six (6) copies of a letter summarizing the proposed waiver which addresses all elements of this article, and all other information necessary to illustrate compliance with these Regulations, at the Town Clerk's office, at least 25 days prior to the meeting of the Board of Adjustment. Information will include that which is necessary for the Board of Adjustment to make its decision, including property identification numbers of

the property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of map, north point and date. In addition to the information noted above, the Board of Adjustment may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Board of Adjustment.

Section 382: PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 340(1)(b) of these Regulations. The Board of Adjustment shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 383: REVIEW CRITERIA

The Zoning Board of Adjustment may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.