

Town of Peru, Vermont
PO Box 127
Peru, Vermont 05152

**Zoning Board of Adjustment
NOTICE OF DECISION
Variance Request 4 September 2018**

Applicants: Debra Hodis – Horses for Hire
Landowner(s) Debra Hodis – Horses for Hire
Project Location: 1893 South Road, Peru
Application No.: 2218
Parcel ID: 12 – 00 - 07

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves the review of an application for a dimensional variance to the required sideline setback (50') in this RR5 zoning district.
2. The completed application was received by the Zoning Administrator on 17 July 2018. A copy of the application is available at the Peru Town Office.
3. The notice of public hearing was published in the *Vermont News Guide* on 19 July 2018 and was posted on the town's website and on the message board located at the entrance to the Town Office, at the Peru Post Office, and at the Bromley Market.
4. A certified copy of the notice of public hearing and information concerning the application were mailed to all abutting property owners.
5. The following members of the Peru Zoning Board of Adjustment were present at the public hearing:
 - Charles Howard, Acting, Chair
 - Chuck Black
 - John Acosta
 - David Utiger
6. At the outset of the hearing, the ZBA afforded an opportunity for persons wishing to achieve status as an interested person under 24 VSA §4465(b) to demonstrate that the

criteria set forth in the subsection are or are not met. The ZBA granted status to adjacent resident Dylan Gage. Several neighbors and interested resident appeared at the site inspection and the public hearing but did not seek participant status.

7. During the course of the hearing the following documents / exhibits were submitted to the ZBA:

- Application for a Zoning Permit (#2218)
- Zoning approval for single family residence
- Tax Map
- Dimensioned drawings and site plan
- Survey by David Coleman, LS
- Photographs

These exhibits are available for review at the Peru Town Office.

8. A site inspection was held at 6:30 PM on 16 August 2018. The property owner / applicant and her surveyor described the site constraints that generated the variance request, the boundary lines, etc.

FINDINGS OF FACT

1. According to the Peru Zoning Administrator and the Peru Zoning Bylaw, the application for a variance requires Zoning Board of Adjustment consideration due to the property owner's request to adjust the southerly perimeter of the house to a distance less than the required 50' from an adjacent property line. (Zoning Bylaw Section 3.3.4.3.)

(Note: This is a pre-existing non-conforming residential lot and does not need to meet the required 5 acre minimum area requirement)

2. The applicant here requests approval from the ZBA to construct a residence approximately 30' from the southerly sideline setback.

3. The ZBA reviewed the applicant's documentation and considered the request in the context of Zoning Bylaw Section 6.4.2 – Variances - and 6.4.3 - Decisions

CONCLUSIONS

In conformance with Town of Peru Zoning Bylaw Section 6.4.2 in effect on this date, in order to grant the requested variance, the Board shall find that the proposed location of the residence meets all the facts as expressed in Zoning Bylaw 6.4.2.

The Board has concluded that the applicant's testimony describing the proposed location does not satisfy all five criteria as required in Zoning Bylaw Section 6.4.2

DECISION AND CONDITIONS

At a Deliberative Session held on 4 September 2018, and based on the foregoing Findings of Fact and Conclusions of Law, the Zoning Board of Adjustment by unanimous vote of the members Denied application # 2218.

On the evidence presented in this proceeding, to date, the Board cannot find that the applicants project cannot be constructed in compliance with the ordinance or that the variance requested is the minimum necessary to permit such construction.

Dated at Peru, Vermont this 11th day of September 2018.



Charles Howard, Acting Chair

Zoning Board members participating in this Decision:

Charles Howard
Chuck Black
John Acosta
David Utiger

NOTICE: This Decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Planning Commission / Board of Adjustment. Such appeal must be taken within 30 days of the date of this Decision, pursuant to 24 VSA § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.