

## HUNTINGTON ZONING BOARD OF ADJUSTMENT

### IN Re Conditional Use Permit and Variance Application of Jim and Jessica Fecteau, Appeal No. 2009-02-CU-V (Map 05-004.2)

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

##### **I. INTRODUCTION**

These findings concern a request for a conditional use permit and variance by applicants Jim and Jessica Fecteau to a 20 foot by 36 foot addition onto the existing blacksmith shop at 1735 Main Rd., Huntington, Vermont. For the reasons stated below the application is granted.

The proposed conditional use permit and variance application is to allow the Fecteus to expand their blacksmith shop by adding the 20 foot by 36 foot addition. The shop is located in the Village District and the property is currently a "mixed use" as defined by the Ordinance. *See* § 8.1 (Definitions). Mixed uses in the Village District are conditional uses and therefore a conditional use permit by the ZBA is required for its expansion. Ordinance § 4.2.

The new Ordinance, however, also requires a 100 foot setback from the Huntington river. The existing shop was previously built within this 100 foot setback. Unfortunately, the new Ordinance, unlike the old, does not allow an existing nonconforming structure to be expanded with a conditional use permit if it increases the degree of non-compliance. *See* Ordinance § 5.8.3(3). Accordingly, the more rigorous variance criteria must be satisfied in order for the Fecteus to expand this structure in the 100 foot river setback zone.

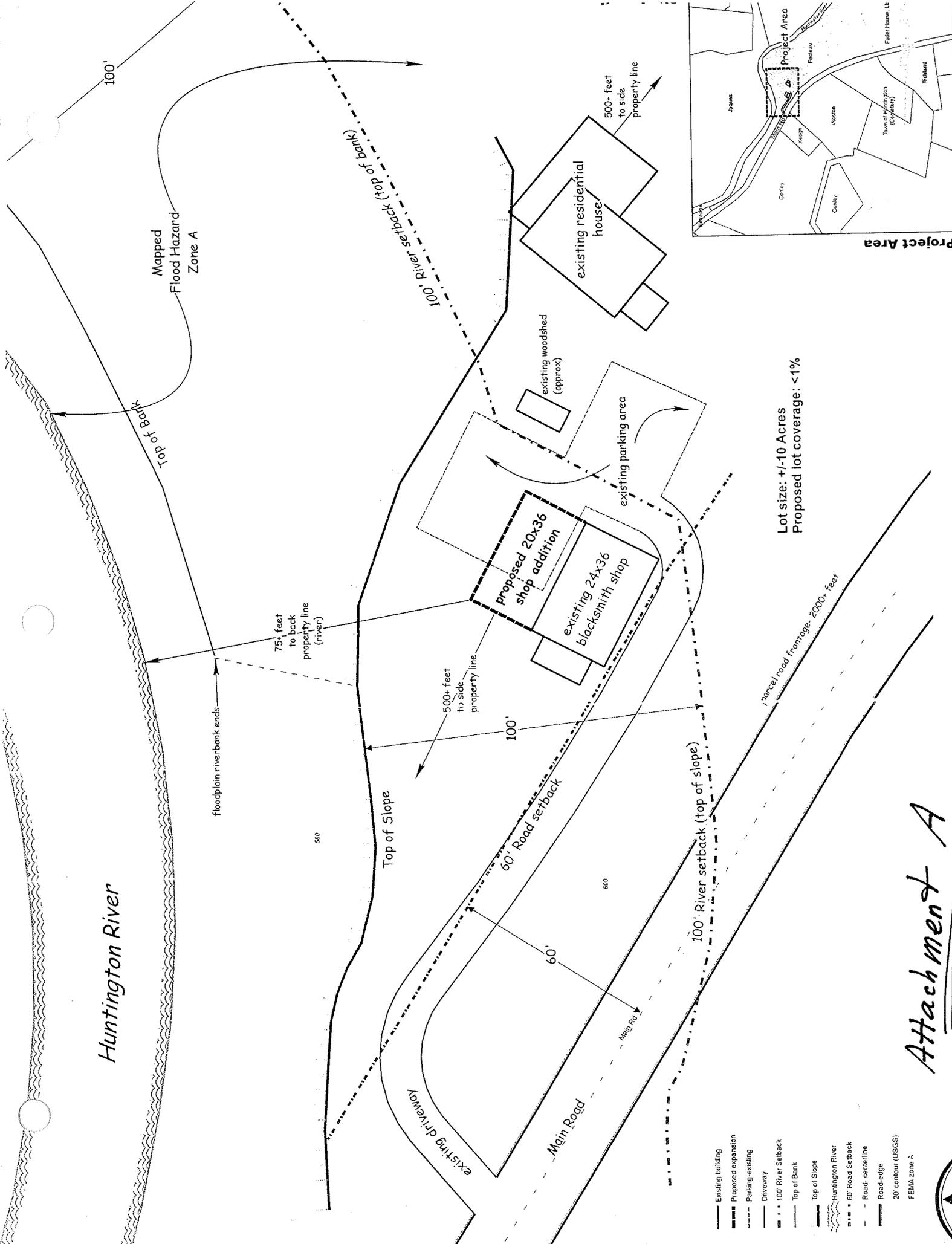
##### **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

###### **A. Variance**

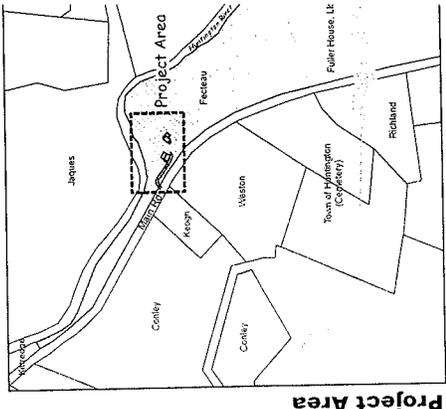
The ZBA has analyzed each of the variance criteria in Section 6.7 and concludes that given the layout of the parcel of the land and the river, the modest size of the proposed addition, and the minimal impact on the neighborhood, the variance criteria are easily met. In short, the property has unique physical conditions and a variance is necessary to enable reasonable use of the property. The hardship caused by this new restriction was not created by the Fecteus. The variance for this addition also represents the minimum needed to afford the Fecteus relief and the least deviation possible from the Ordinance and the Plan. The granted variance is for the specific siting and dimensions of the addition delineated in Attachment A.

###### **B. Conditional Use**

The ZBA also finds that the proposed the conditional use application for the mixed use satisfies the conditional use criteria and the site plan review standards delineated in the Ordinance at Section 4.2.2 and Section 4.3.3. In short, the ZBA finds no adverse impact of this addition on the neighborhood, community, public welfare, adjacent property, roads, or the environment. The ZBA thus approves the application, as specifically delineated in Attachment A.



Lot size: +/- 10 Acres  
Proposed lot coverage: <1%



Huntington River

*Attachment A*

- Existing building
- Proposed expansion
- Parking-existing
- Driveway
- 100' River Setback
- Top of Bank
- Top of Slope
- Huntington River
- 60' Road Setback
- Road-centerline
- Road-edge
- 20' contour (USGS)
- FEMA zone A



### III. CONCLUSION

The application for a variance and conditional use permit is granted. The addition is approved as specifically described in Attachment A.

Dated at Huntington, Vermont this 17<sup>th</sup> day of July, 2009.



Joseph Perella, Chair

Joseph Spence

John Altermatt

Mark Smith

Zoning Board of Adjustment

Huntington, Vermont

Huntington Town Clerk's Office

Received for Record

JULY 29 A.D. 2009

at 10 o'clock 45 minutes A. M.

Recorded in Book 99 Page 331-339

Attest Nancy A. Gould Town Clerk  
Ass