

## Town of Underhill Development Review Board

P.O. Box 120, Underhill, VT 05489  
www.underhillvt.gov

Phone: (802) 899-4434, x106  
Fax: (802) 899-2137

---

### MEMORANDUM

To: DRB, SB, UJFD, UCC  
From: Underhill Planning and Zoning  
Date: September 25, 2016  
Re: Agenda and Information for 10/3/2016

#### Development Review Board NOTICE OF PUBLIC MEETING AGENDA

**Monday, October 3, 2016 - 6:35 Public Hearing  
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT**

6:00 PM Site Visit at 284 River Road, Underhill, VT

6:30 PM Open Meeting, Public Comment Period

6:35 PM Final: Subdivision Review – 5 Lot  
Applicant: Phil Jacobs  
Docket #: DRB 16-01  
Location: 16 Harvest Run (HR016)

7:30 PM Appeal: Variance  
Applicant: Steve McClellan, Armand Morel  
Docket: DRB 16-08  
Location: 284 River Road (RV284)

8:30 PM Other Business

Review Minutes from 9/19/2016

8:30 PM Adjourn

---

**Appeal/Variance Hearing on the Application of Steve McClellan and Armand Morel to Expand a Nonconforming Structure**

Applicant(s):	Stephen McClellan, Armand Morel
Consultant:	N/A
Property Location:	284 River Road (284)
Acreage:	± 0.51 Acres
Zoning District:	Water Conservation District
Minimum Lot Size:	5 Acres
Minimum Frontage:	300 feet
Setbacks:	
Front:	30 Feet
Side:	50 Feet
Rear:	50 Feet
Max. Building Coverage:	20%
Max. Lot Coverage:	30%
Maximum Height:	35 Feet

---

**2014 Underhill Unified Land Use & Development Regulations Relevant Regulations:**

- Article II, Table 2.4 – Water Conservation District (pg. 16)
- Article III, Section 3.1 – Abandoned & Damaged Structure (pg. 26)
- Article III, Section 3.9 – Nonconforming Structures (pg. 37)
- Article V, Section 5.5 – Waivers and Variances (pg. 116)
- Article X, Section 10.5 – Appeals (pg. 180)

---

**Contents:**

- a. Exhibit A – Variance Hearing Request
- b. Exhibit B – Authorizing Agent Letter
- c. Exhibit C – Burlington Free Press Notice
- d. Exhibit D – Abutting Neighbors List
- e. Exhibit E – Letting to Abutting Neighbors
- f. Exhibit F – Purchase & Sale Agreement
- g. Exhibit G – Letter Stating Need for Variance
- h. Exhibit H – Assessment Card
- i. Exhibit I – Engineering Drawing of Existing Conditions
- j. Exhibit J – Sketch of Lot (Setbacks)
- k. Exhibit K – ANR Stream & Waterbodies
- l. Exhibit L – ANR Floodplain Map
- m. Exhibit M – Staff Map of Building Envelope
- n. Exhibit N – Building Elevations
- o. Exhibit O – This Memorandum

---

**Staff Analysis**

**Summary**

The current structure at 284 River Road is a nonconforming structure on a nonconforming lot. The structure is unsightly and poses a risk to public safety. The applicant wishes to reconstruct the house; however, he wishes to increase the height of the pre-existing structural dimensions, which would increase the degree of nonconformance. Due to the dimensions of the lot, as well as some additional constraints, building a conforming structure is cumbersome, if existent. State permits

stipulate that the building shall remain on the same footprint as the existing building. Part of the wastewater system is located within the building envelope. Furthermore, the building envelope contains a floodplain, which would further complicate the siting of a new conforming structure.

### **Authority**

Section 3.1.B allows a damaged building (both conforming and nonconforming structures) to be reconstruction without a building permit if there are no changes to the pre-existing structural dimensions. If an applicant increases the dimensions of a nonconforming structure, then he or she is increasing the degree of nonconformance, and must present his or her case in front of the Development Review Board (§ 3.1.B.3). Degree of nonconformance is defined in Article XI as including the increase in height or volume of a structure. In order for the applicant to legally increase the degree of nonconformance of a nonconforming structure, the Development Review Board must grant a waiver or a variance per § 3.9.B.

The Development Review Board can grant a waiver to decrease the setbacks by up to fifty (50) percent (§ 3.9.B). If the applicant wishes to modify the setback greater than 50% then a variance shall be obtained (§ 3.9.B).

Per § 5.5.C, The Development Review Board may grant a variance “for a structure only if literal enforcement of these regulations results in undue hardships to the appellant that precludes any reasonable use of the property.”

Furthermore, § 5.5.C.2 states that a variance shall be granted only if the following facts are found to be true:

- a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.
- b. Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
- c. The unnecessary hardship has not been created by the applicant or appellant.
- d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- e. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

### **Analysis**

The applicant wishes to increase the height of the house, thereby increasing the degree of nonconformance. Since the building footprint is within twenty-five (25) feet of the side lot line, the applicant is not eligible for a waiver. Therefore, the applicant must receive a variance in order to proceed with his project.

In regards to § 5.5.C.2.a, there are unique physical circumstances or conditions. The lot is a nonconformance lot (approximately 0.5 acres in a 5-acre zoning district). Approximately one third

of the lot is located within a floodplain. The building envelope is approximately 3320 square feet (approximately fifteen percent of the lot); however, approximately 600 square feet (approximately eighteen percent) is located within the floodplain. Furthermore, part of the wastewater system is located within the building envelope, narrowing the feasibility of locating a new structure even more. Furthermore, as discussed below, the State has stipulated that to receive wastewater system and drinking water permits, the building must remain in the same footprint.

In response to § 5.5.C.2.b, the State has stipulated that any wastewater and drinking water permit approvals require the building to remain in the same footprint. Therefore, the relocation of the structure is not feasible since the relocating the structure would make it ineligible to receive the requisite permits.

Section § 5.5.C.2.c states that the hardship has not been created by the applicant or appellant. The applicant wishes to reconstruct the structure; however, he wishes to increase the height of the structure to make it better suited for living. In most cases, to achieve this goal, the applicant would move the building footprint into the allowed building envelope. However, in this situation, there are various constraints preventing him from move the building footprint. As mentioned above, these constraints are the State, who mandated that the house remain in the same footprint in order to receive approval for the requisite permits; the wastewater system is located within the building envelope; and a floodplain is located within the envelope.

In regards to § 5.5.C.2.d, the granting of the variance will not alter the essential character of the neighborhood. As evidenced by the building elevations, the new structure will be consisted with the surrounding neighborhood and will not substantially or permanently impair the appropriate use or development of adjacent properties.

In response to § 5.5.C.2.e, the proposed increase in building height is consistent with providing the least deviation from the Regulations as possible.

Lastly, the Development Review Board should also consider that the issuance of a variance would allow the reconstruction of an unsightly structure in Underhill Center. The denial of a variance would likely perpetuate the continued deterioration of the structure, and potentially become a public safety issue if it is not considered one already.

---

UNDERHILL DRB RULES OF PROCEDURE  
HEARING CHECKLIST  
**VARIANCE REQUEST**  
**Stephen McClellan**  
October 3, 2016

State the following:

- 1) "This is an appeal/variance hearing on the application of Stephen McClellan to the increase of a nonconforming structure at 284 River Road in Underhill, Vermont. The proposed addition does not comply with the required setbacks in the Water Conservation zoning district. Section 5.5(C) of the ULUDR states that a variance "may be granted by the DRB for a structure only if literal enforcement of these regulations results in undue hardships to the appellant that precludes any reasonable use of the property."

This appeal is subject to review under the 2014 Unified Land Use and Development Regulations.

- 2) Copies of the Rules of Procedure that the Board follows are available for review from the Planning & Zoning Administrator.
- 3) The order of speakers tonight will be:
  - a. We will hear from and ask questions of the applicant, Stephen McClellan, and/or their representatives;
  - b. Then we will hear and ask questions of Andrew Strniste, Planning Director;
  - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to three minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
  - d. The applicant will have an opportunity to respond; then
  - e. Final comments will be solicited from all parties.
  - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
  - g. Board members may feel free to ask questions of any speaker.
- 4) Are any State or municipal representatives present?
- 5) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

***Then state:***

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court."

- 6) If you are an applicant/applicant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
- 7) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "**I do**" at the end: "**Do you**

***hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***

- 8) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?
- 9) At this point I am going to enter into the record the information package that was sent by the Zoning & Planning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
  - a. Exhibit A – Variance Hearing Request
  - b. Exhibit B – Authorizing Agent Letter
  - c. Exhibit C – Burlington Free Press Notice
  - d. Exhibit D – Abutting Neighbors List
  - e. Exhibit E – Letting to Abutting Neighbors
  - f. Exhibit F – Purchase & Sale Agreement
  - g. Exhibit G – Letter Stating Need for Variance
  - h. Exhibit H – Assessment Card
  - i. Exhibit I – Engineering Drawing of Existing Conditions
  - j. Exhibit J – Sketch of Lot (Setbacks)
  - k. Exhibit K – ANR Stream & Waterbodies
  - l. Exhibit L – ANR Floodplain Map
  - m. Exhibit M – Staff Map of Building Envelope
  - n. Exhibit N – Building Elevations
  - o. Exhibit O – This Memorandum
- 10) We'll begin testimony, and hear from applicant.
- 11) Next we will hear from the Planning Director.
- 12) Are there members of the public who would like to speak?
- 13) Any final comments from anyone?
- 14) Does the Board feel that they have enough information at this time to make a decision on the appeal?
  - a. *If more information is needed to make a decision on the appeal, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing; or*
  - b. *If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.*
- 15) Does the Board wish to discuss the appeal in open or (closed) deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning Director, on behalf of the DRB, will send a copy of the decision and letter to the Appellants, their consultants, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process.

If there are no other comments or questions we will close [this portion of] the meeting.”

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## VARIANCE HEARING REQUEST

ZONING DISTRICT(S):

PROPERTY CODE:

RV284

Fee: \$150 hearing fee + costs  
+ recording fees

Residential  Rural Residential  Water Conservation  Scenic Preservation  Soil & Water Conservation

APPLICANT: <i>Stephen McClellan</i>	MAILING ADDRESS:
PHONE: <i>802-899-4460</i>	E-MAIL:
SUBJECT PROPERTY ADDRESS: <i>284 RIVER ROAD UNDERHILL, VT</i>	
REQUIRED DRAWINGS (a scaled plan to include the following): <input type="checkbox"/> Frontage on public or private road or right-of-way <input type="checkbox"/> Setbacks to front, rear, and side property lines <input type="checkbox"/> Location of septic system and well <input type="checkbox"/> Easements or covenants where appropriate to show on plan <input type="checkbox"/> Any watercourse on the property as defined in the Underhill Zoning Regulations <input type="checkbox"/> Abutting neighbors	
Also include with this application a short statement explaining why you are seeking a variance hearing. In this statement discuss any easements or covenants that may be attached to your property if they are not shown on your site plan.	
APPLICANT SIGNATURE <i>Stephen McClellan</i>	DATE <i>9/14/16</i>
HEARING DATE (to be determined by ZA): <i>October 3rd, 2016</i>	TO CURE VIOLATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SIGNATURE OF ZONING ADMINISTRATOR <i>Colt [Signature]</i>	DATE <i>9/23/2016</i>

Prior to scheduling your hearing date you must submit the evidence you intend to enter at the hearing and your proposed findings of fact to the Zoning Administrator. A hearing will be scheduled upon receipt of a complete application. For assistance with this application, contact the Zoning Administrator at 899-4434 x106 or [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net).

I Stephen McClellan authorize Armand Morel to act as my  
Agent regarding the application for a Variance and permit for property located at,  
284 River Road, Underhill, VT.



---

Stephen McClellan

9/14

Date

CONTACT INFO FOR ARMAND MOREL  
802-343-5932  
morelconstruction@gmail.com

**Classified Ad Receipt  
(For Info Only - NOT A BILL)**

**Customer:** UNDERHILL, TOWN OF  
**Address:** PO BOX 120  
UNDERHILL VT 05489  
USA

**Ad No.:** 0001585750  
**Pymt Method:** Invoice  
**Net Amt:** \$223.50

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 09/17/16

**Text of Ad:**

**NOTICE OF PUBLIC MEETING**  
Town of Underhill  
Development Review Board  
(DRB) Hearing

Monday, October 3, 2016 at 6:35 PM  
At the Underhill Town Hall,  
12 Pleasant Valley Rd. Underhill, VT

The DRB will hold a Final Subdivision Review on the application of the Phil Jacobs for a proposed 5-lot subdivision of property located at 16 Harvest Run (HR016). This property is located in the Underhill Flats Village Center zoning district. The hearing will be held at Town Hall at 6:35 PM.

The DRB will hold an appeal hearing for the application of Stephen McClellan for a variance on the property located at 284 River Road (RV284). This property is located in Water Conservation zoning districts. A site visit at the property will be held at 6:00 PM. The hearing will be held at Town Hall at 7:30PM.

Additional information for this hearing may be obtained at the Underhill Town Hall. The hearing is open to the public. Pursuant to 24 VSA §54464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearings, comments may be made in writing prior to the meeting and mailed to: Andrew Strniste, Planning Director & Zoning Administrator, P.O. Box 120, Underhill, VT 05489 or to [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)

September 17, 2016

Abutting neighbors of, 284 River Road, Underhill, VT

278 River Road  
Cedric P. and Laura Wells  
P.O. Box 165  
Underhill Center, VT 05490

281 River Road  
Brennen Korie Life Estate  
P.O. Box 127  
Underhill Center, VT 05490

285 River Road  
Patrick F. and Louise Lamphere  
178 Beartown Road  
Underhill, VT 05489

286 River Road  
Underhill Center Post Office  
P.O. Box 32  
Underhill Center, VT 05490

288 RIVER ROAD  
CATHERINE GILLESPIE  
AND  
JOHN ROMANOFF  
P.O. BOX 166  
UNDERHILL, CTR., VT  
05490



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Cedric P. and Laura L. Wells  
Wells Corner Market  
P.O. Box 165  
Underhill Center, VT 05490

Dear Neighbor,

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on the appeal of Stephen McClellan, who will be represented by Armand Morel, for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public, and as an abutting neighbor, you have the right to be heard at the hearing. Additional information is available at the Planning and Zoning Office in the Town Hall. If you cannot attend the hearing, but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the address above or emailed to me at [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Pursuant to 24 VSA §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator

cc: File



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Kari Brennen Life Estate  
P.O. Box 127  
Underhill Center, VT 05490

Dear Neighbor,

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on the appeal of Stephen McClellan, who will be represented by Armand Morel, for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public, and as an abutting neighbor, you have the right to be heard at the hearing. Additional information is available at the Planning and Zoning Office in the Town Hall. If you cannot attend the hearing, but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the address above or emailed to me at [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Pursuant to 24 VSA §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Patrick F. and Louise E. Lamphere  
178 Beartown Road  
Underhill, VT 05489

Dear Neighbor,

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on the appeal of Stephen McClellan, who will be represented by Armand Morel, for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public, and as an abutting neighbor, you have the right to be heard at the hearing. Additional information is available at the Planning and Zoning Office in the Town Hall. If you cannot attend the hearing, but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the address above or emailed to me at [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Pursuant to 24 VSA §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Underhill Center Post Office  
P.O. Box 32  
Underhill Center, VT 05490

Dear Neighbor,

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on the appeal of Stephen McClellan, who will be represented by Armand Morel, for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public, and as an abutting neighbor, you have the right to be heard at the hearing. Additional information is available at the Planning and Zoning Office in the Town Hall. If you cannot attend the hearing, but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the address above or emailed to me at [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

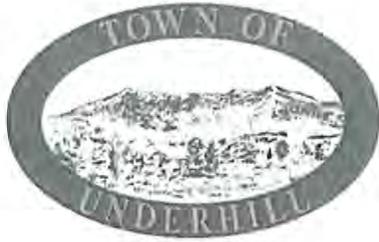
Pursuant to 24 VSA §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator

cc: File



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Catherine Gillespie  
John M. Romanoff  
P.O. Box 166  
Underhill Center, VT 05490

Dear Neighbor,

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on the appeal of Stephen McClellan, who will be represented by Armand Morel, for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public, and as an abutting neighbor, you have the right to be heard at the hearing. Additional information is available at the Planning and Zoning Office in the Town Hall. If you cannot attend the hearing, but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the address above or emailed to me at [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Pursuant to 24 VSA §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator

cc: File



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Armand Morel  
P.O. Box 102  
Jericho 05465

Dear Applicant,

This letter is to notify you of your hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on your appeal for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public and abutting neighbors who have the right to be heard at the hearing.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator



## Town of Underhill

P.O. Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

September 15, 2016

Stephen McClellan  
126 Stevensville Road  
Underhill, VT 05489

Dear Applicant,

This letter is to notify you of your hearing before the Underhill Development Review Board on Monday, October 3<sup>rd</sup>, 2016 on your appeal for a variance to increase the building height for the proposed reconstruction of the house (a nonconforming structure) located at 284 River Road (RV284) in Underhill, Vermont. This property is located in the Water Conservation zoning district. A site visit will be performed at 6:00 PM at the property, and the hearing will be held at approximately 7:30 PM at the Underhill Town Hall, 12 Pleasant Valley Road.

The hearing is open to the public and abutting neighbors who have the right to be heard at the hearing.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,

**Andrew Strniste**  
Planning Director  
Zoning Administrator

**ADDENDUM TO CONTRACT**

09-07-16 Draft

This Addendum is made to a Purchase and Sale Contract by and between **Armand Morel**, as Purchaser, and **Stephen McClellan**, as Seller, with respect to the land and premises at 284 River Road, Underhill, Vermont.

1. **Permit Contingency.** This Contract is contingent upon Purchaser obtaining town approval for the construction of a second-story of a house to be built on the existing Footprint.

2. **Time Frame.** Purchaser shall submit his Application by Monday, September 12, 2016. It is expected that the Development Review Board will review the Application at its October 3, 2016 Hearing.

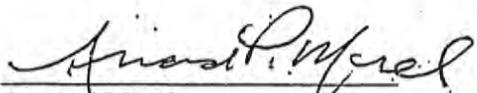
3. **Cooperation of Seller.** Seller shall sign the Application and cooperate with Purchaser in processing the Application including attending any Hearings that may be necessary.

4. **Denial of Permit Application.** In the event that the Development Review Board denies the Application, Purchaser shall have five business days from receipt of the denial to terminate the Contract.

Except as modified above, the remaining terms of the Purchase and Sale Contract shall remain the same.

Dated: 9/8/16

Dated: 9/8/16

  
Armand Morel

  
Stephen McClellan

## **Article V. Development Review**

The property located at 284 River Road in Underhill is a nonconforming lot.

Approximately 35% of the property is considered a flood hazard area.

The wastewater and drinking water permit approvals stipulate that any future building must be built on the same footprint as the existing building.

Building on the same footprint and maintaining the same roof design would be unsightly, and would not comply with current building codes.

### **SECTION R305 CEILING HEIGHT**

#### **R305.1 Minimum height.**

Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet. The required height shall be measured from finished floor to lowest projection from the ceiling.

3. Not more than 50% of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet in height with no portion of the required floor area less than 5 feet in height.

The design I am proposing would follow the existing footprint and would not alter the essential character of the neighborhood (see drawing). The main structure would have a full 2<sup>nd</sup> story, the connecting section would have a partial 2<sup>nd</sup> story and the garage roof would be redesigned.

**Itemized Property Costs- Town of Underhill**

From Table: MAIN Section 1

Record # 943

Property ID: RV284 Location: 284 RIVER RD

Tax Map #:

Owner(s): MCCLELLAN STEPHEN

Description: 0.50 ACRE & DWL

Last Inspected: 03/21/2011

Sale Price: 0 Sale Date: 08/24/1992 Book: 74 Page: 361 Validity: No Data

Bldg Type: Camp Quality: 2.50 FAIR/AVG Style: 1.5 Fin Frame: Studded

Yr Built: 1850 Eff Age: 155 Area: 1344 # Rms: 6 Bedrms: 2 # Baths: 1 # 1/2 Baths: 0

Item	Description	Percent	Quantity	Unit Cost	Total
<b>BASE COST</b>					
Exterior Wall #1:	WdSidng / Ht=8	100.00		39.15	
<b>ADJUSTMENTS</b>					
Roof #1:	CompShg	100.00			
Subfloor	Wood				
Floor cover #1:	Allowance	100.00		1.31	
Heat/cooling #1:	Space Htr	100.00		-1.11	
Energy Adjustment	Below Avg			-0.86	
<b>ADJUSTED BASE COST</b>			1,344.00	38.49	51,730
<b>ADDITIONAL FEATURES</b>					
Fixtures (beyond allowance of 5)			1.00	535.00	535
Roughins (beyond allowance of 1)				260.00	
Basement	Stone		432.00	15.08	6,515
Finished Basement	Dirt Floor		432.00	-2.22	-959
Garage/Shed #1:	A/1S/WdSidng/No		644.00	10.52	6,775
Garage/Shed #2:	A/1S/WdSidng/No		32.00	16.22	519
<b>Subtotal</b>					65,114
Local multiplier		1.25			
Current multiplier		1.00			
<b>REPLACEMENT COST NEW</b>					81,393
Condition	Fair/Avg	Percent			
Physical depreciation		55.00			-44,766
Functional depreciation					
Economic depreciation					
<b>REPLACEMENT COST NEW LESS DEPRECIATION</b>					36,600
<b>LAND PRICES</b>					
SI Bldg Lot	Size	Nbhd Mult	Grade	Depth/Rate	
	0.50	1.20	0.95		91,200
<b>SITE IMPROVEMENTS</b>					
Water	y / y	Typical	Average		4,000
Sewer	y / y	Typical	Average		4,000
Landscape	y / y	Typical	Low Cost		1,000
<b>TOTAL PROPERTY VALUE</b>					136,800

NOTES  
 HOUSESITE VALUE : 136,800  
 HOMESTEAD VALUE : 136,800

Ceiling cracked in places on 1st & 2nd floors

09/01/2005 - Listers' Grievance - Added dirt floor and increased deprec. - Reduced valuation by \$4,800

6-15-06 Listers Grievance has been denied.

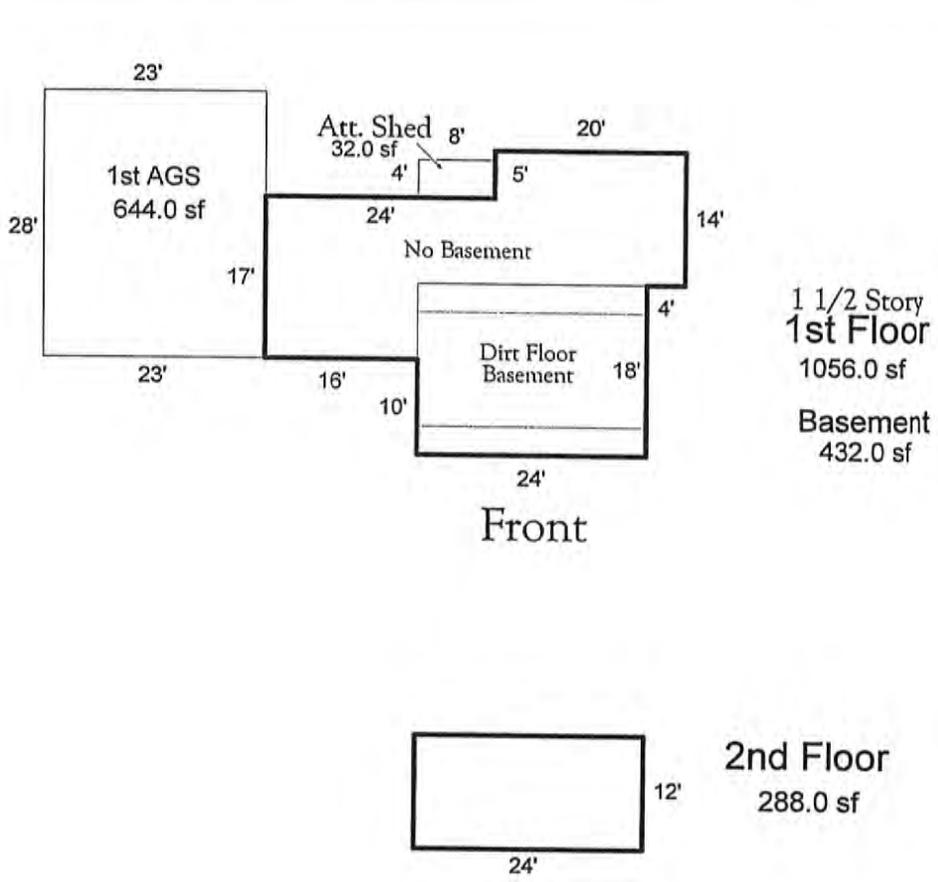
03.21.11 Condition of dwelling and garage have depreciated since last visit.

# SKETCH/AREA TABLE ADDENDUM

SUBJECT

Property Address	State	Zip
City		
Owner		
Client		
Appraiser Name		

IMPROVEMENTS SKETCH



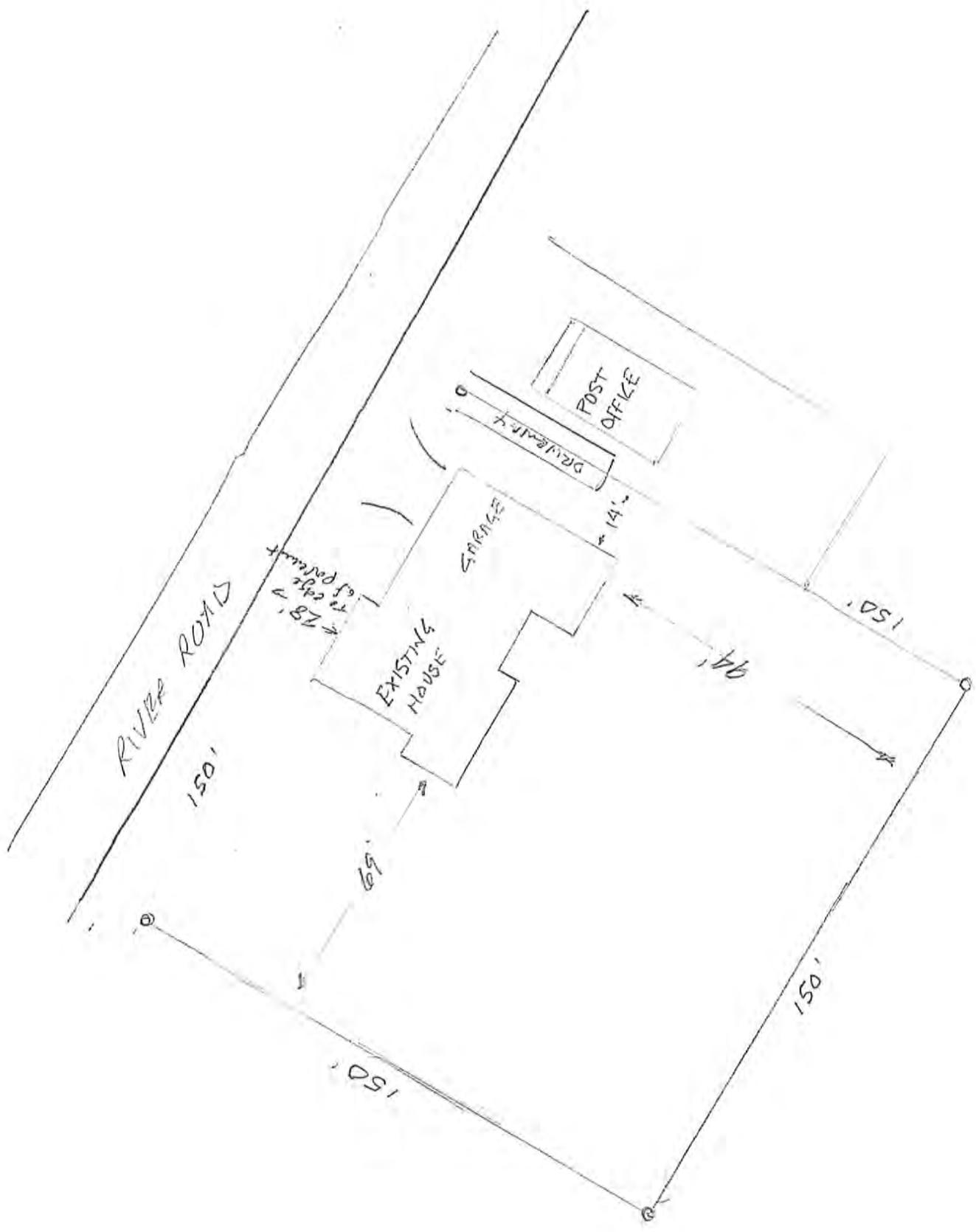
AREA CALCULATIONS

AREA CALCULATIONS SUMMARY					
Code	Description	Factor	Net Size	Perimeter	Net Totals
1FL1	1st Floor	1.00	1056.0	152.0	1056.0
1FL2	2nd Floor	1.00	288.0	72.0	288.0
1BS	Basement	1.00	432.0	84.0	432.0
GAR11	1st AGS	1.00	644.0	102.0	644.0
<b>Net BUILDING Area (rounded w/ factors)</b>					<b>1344</b>

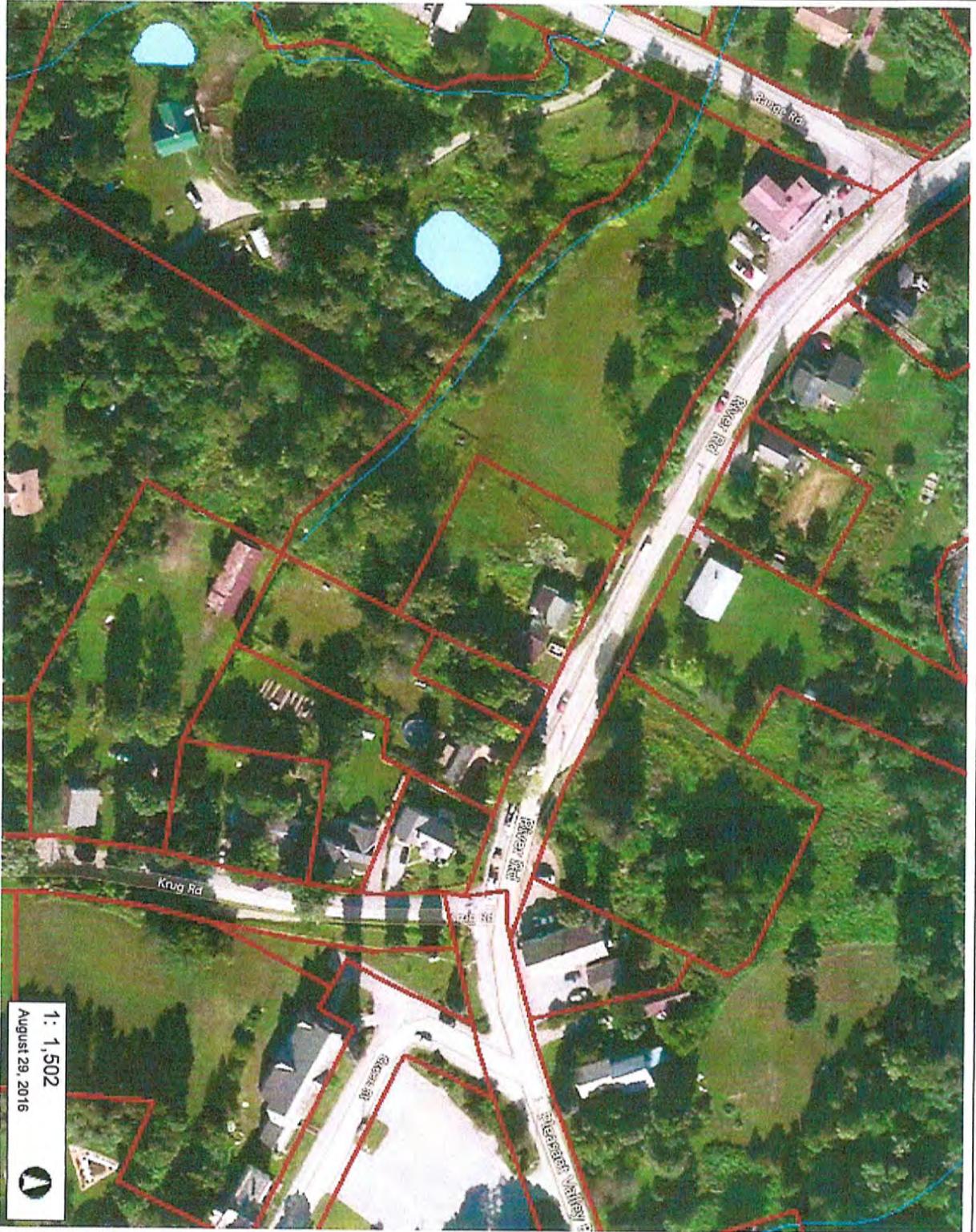
Comment Table 1	
Comment Table 2	Comment Table 3

Scale: 1 = 20





254 River Road Underhill, VT



76.0 0 38.00 76.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © Vermont Agency of Natural Resources  
 1" = 125 Ft. 1cm = 15 Meters  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 1,502  
 August 29, 2016

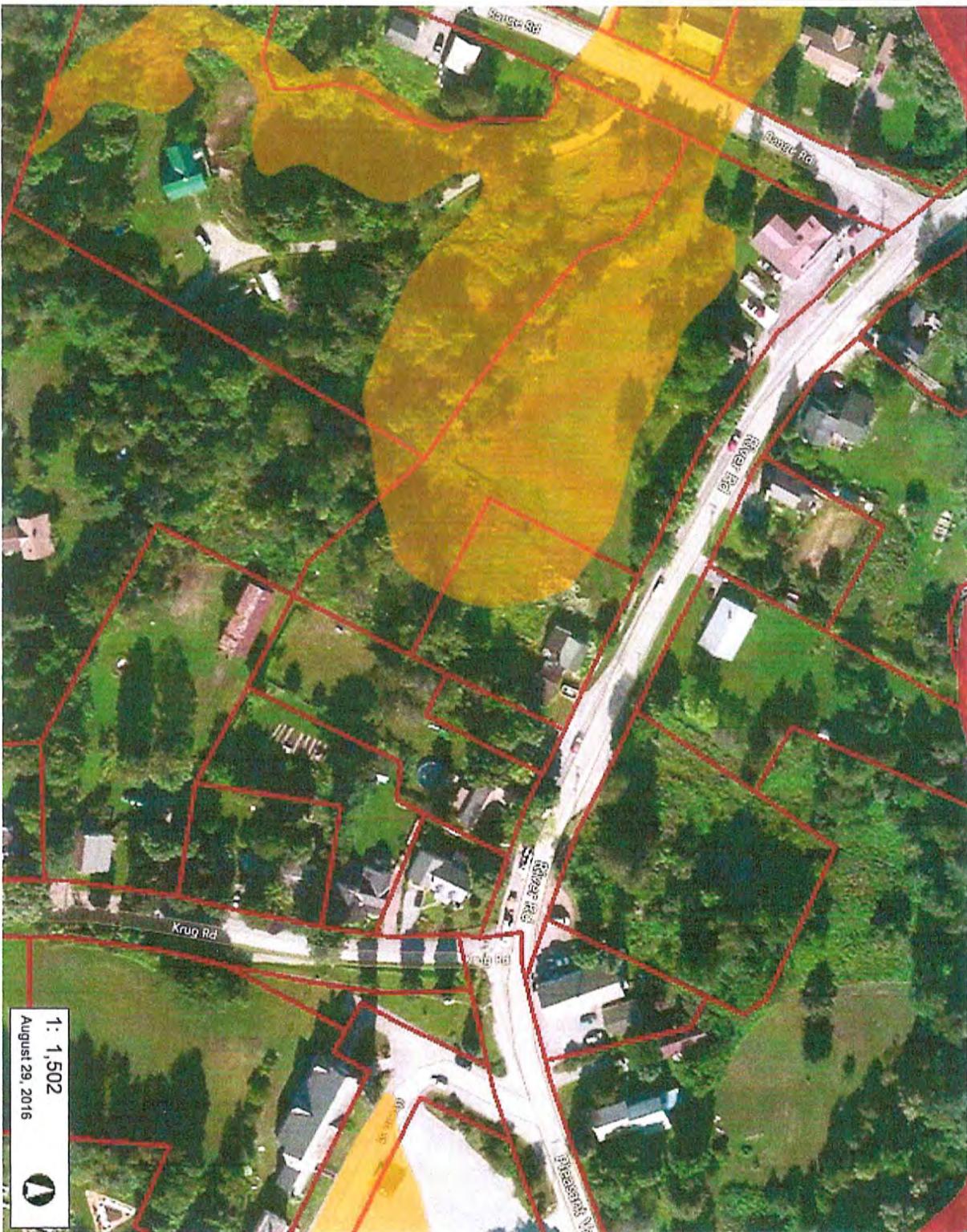
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



- LEGEND**
-  Waterbody
  -  Stream
  -  Parcels (where available)
  -  Town Boundary

**NOTES**

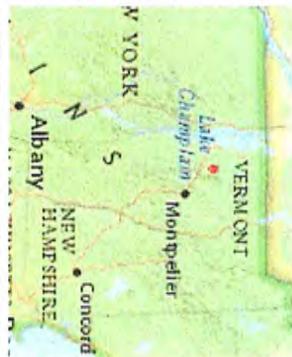
Map created using ANR's Natural Resources Atlas



1: 1,502  
August 29, 2016

76.0 0 38.00 76.0 Meters  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
1" = 125 Ft. 1cm = 15 Meters  
THIS MAP IS NOT TO BE USED FOR NAVIGATION  
© Vermont Agency of Natural Resources

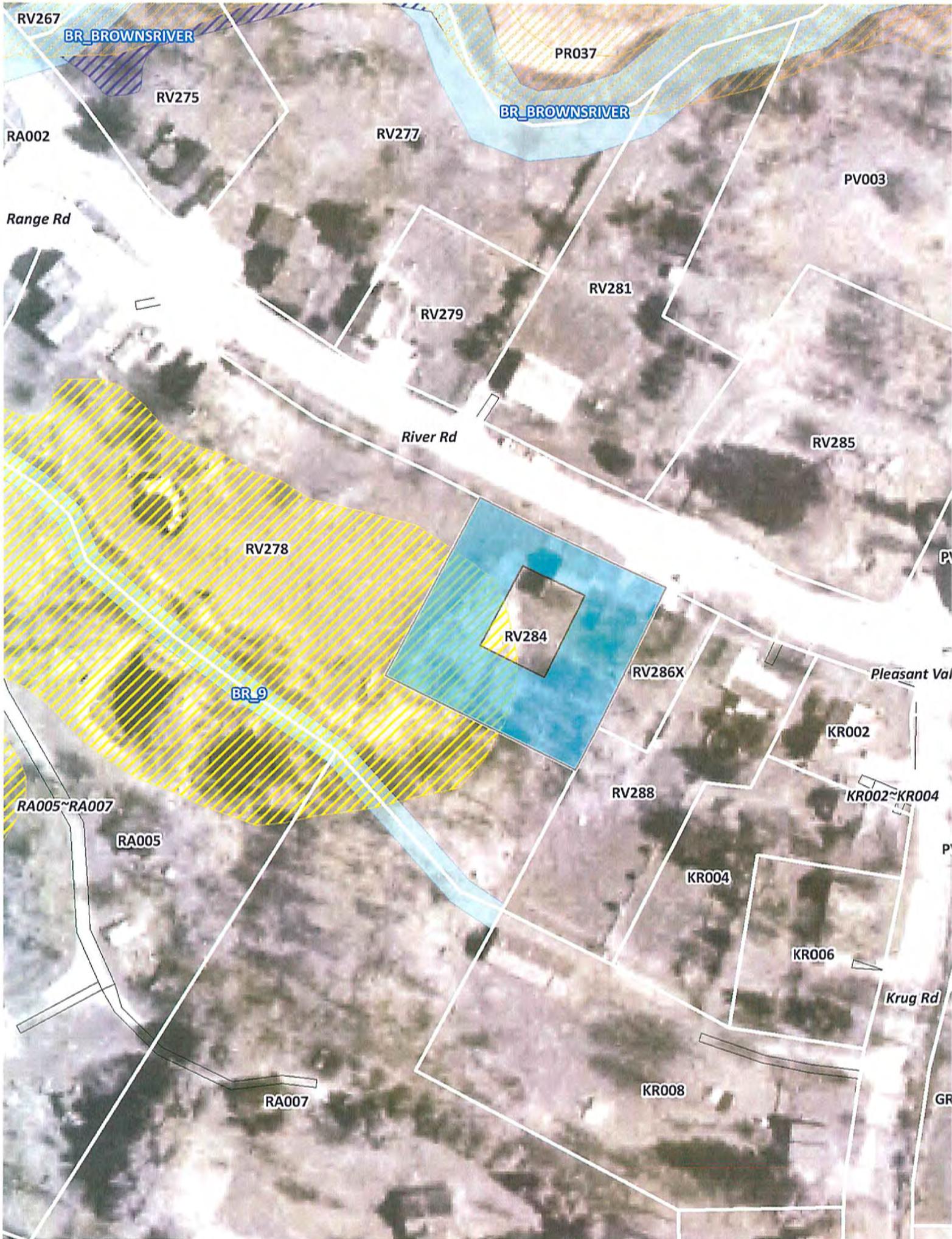
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

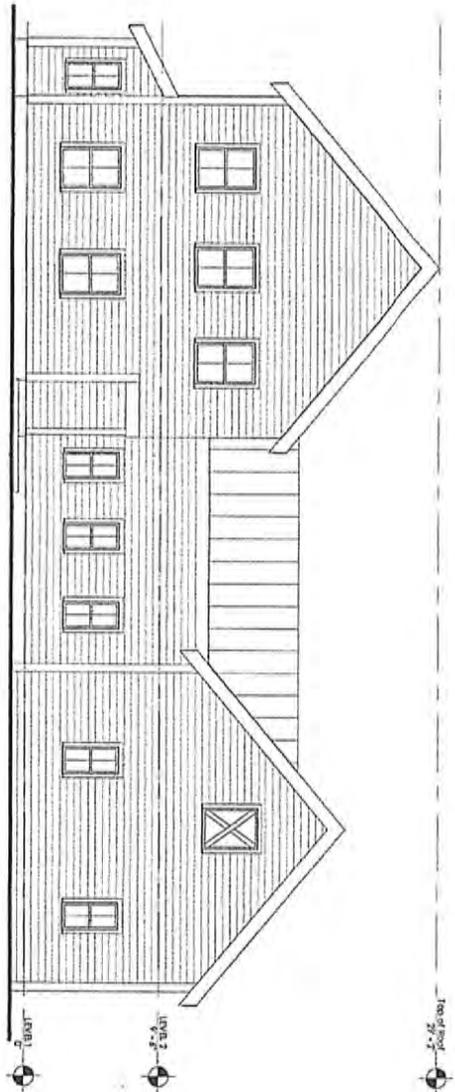


- LEGEND**
- Special Flood Hazard Areas (A Counties)
    - AE (1-percent annual chance flood)
    - A (1-percent annual chance flood)
    - AO (1-percent annual chance zone (feet))
    - 0.2-percent annual chance flood ha
  - Parcels (where available)
  - Town Boundary

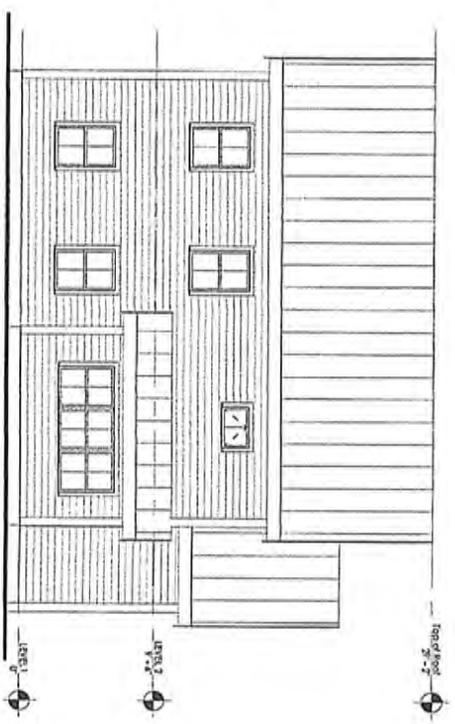
**NOTES**

Map created using ANR's Natural Resources Atlas

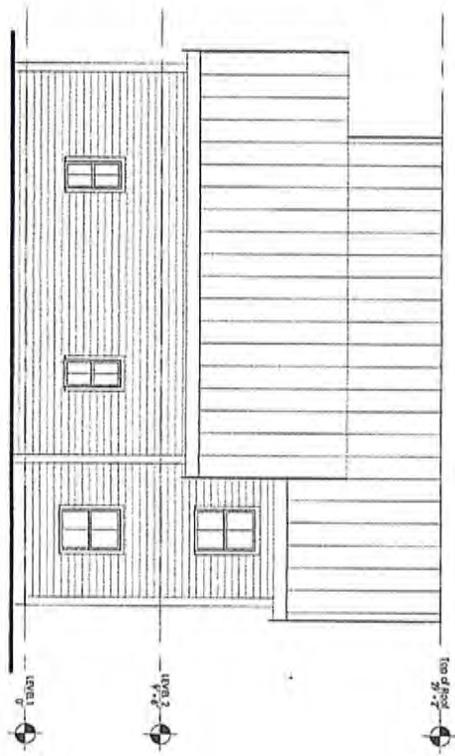




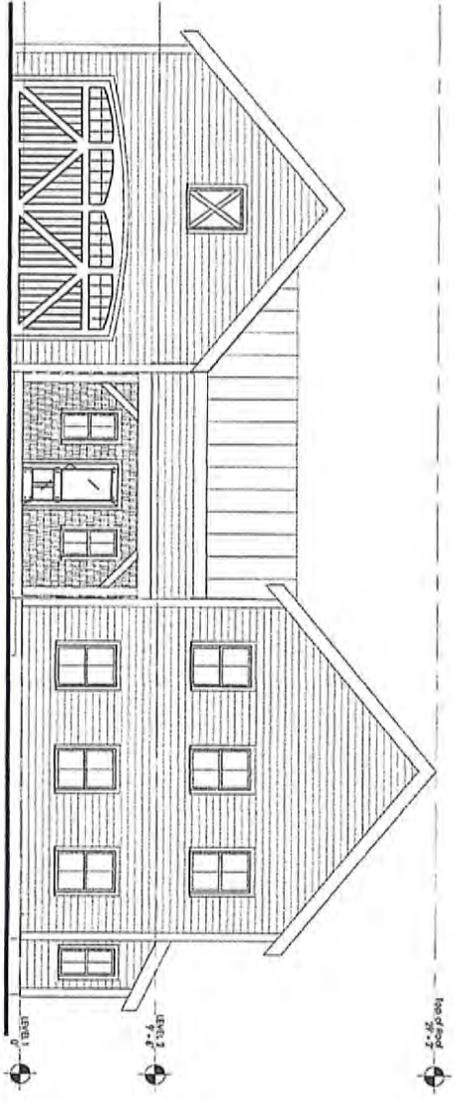
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

**NEW RESIDENCE**  
 281 STEAM MILL ROAD, UNDERHILL CENTER, VT 05401

**HINGE**  
 ARCHITECTURE

FOR PERMIT ONLY  
 DATE: 07/01/14  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: MA  
 CHECKED BY: MA  
 PHASE: ELEVATIONS  
**A20**