



Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7545		
Application Date	1/31/2025		
Physical Location	505 ALPINE VIEW RD		
Map ID	10-100.000	Tax ID	19016
Project Description	SETBACK WAIVER REQUEST FOR RESIDENTIAL ADDITION		
Owner	GREG TAYLOR HEATHER TAYLOR		
Applicant	VOLANSKY STUDIO ARCHITECTURE & PLANNING ANDREW VOLANSKY		
Applicant Address	135 LUCE HILL ROAD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
INCOMPLETE APP	2/3/2025		
DRB DECISION	6/10/2025	7/10/2025	7/10/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law



PROJECT# 7545

SUBJECT PROPERTY 505 Alpine View Road, Stowe, VT (#10-100.000)

PROPERTY OWNER:

Greg & Heather Taylor
505 Alpine View Road
Stowe, VT 05672

APPLICANT:

Andrew Volansky, Volansky Studio
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Andrew Volansky of Volansky Studio, on behalf of property owners Greg and Heather Taylor (herein referred to as 'Applicant') requests a dimensional setback waiver to construct a future addition to the existing single-family dwelling within a side yard setback. The Applicant seeks to reduce the required sixty (60') foot side yard setback to forty-eight (48') feet. The subject parcel, consisting of ± 3.6 -acres, and located at 505 Alpine View Road [#10-100.000], is in the Rural Residential 3 (RR3) Zoning District. The parcel is Lot 5 of the Covered Bridge Co., Inc Subdivision, created in 1972, prior to the adoption of Town of Stowe Subdivision and Zoning Regulations. The existing single-family dwelling received a zoning permit on March 26, 1992 (Z-92-12). The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of setback waiver review. The DRB has the authority to grant setback waivers under Section 3.4(8) of the Regulations. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for setback waiver review was filed by Applicant Andrew Volansky on January 31, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2027. The Applicant provided the completed certificate of service notifying the abutters on March 24, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. John Grenier, Grenier Engineering, PC, PO Box 445, Waterbury, VT 05676

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 01/31/2025;
2. Site Plan, Sheet A1.0, prepared by Volansky Studio, dated 04/30/2025;
3. Elevations, Sheet A3.1, prepared by Volansky Studio, dated 04/30/2025;
4. Elevations, Sheet A3.2, prepared by Volansky Studio, dated 04/30/2025;
5. Lot 5 Covered Bridge Co., Inc to Philo R & Virginia H King, recorded 10/18/1972;
6. John Lukens and Mary Slayton survey, recorded 02/03/1986;
7. Land of Pamela Susan Plummer – Covered Bridge Subdivision Lots 5-8 survey, recorded 02/17/2004;
8. Covered Bridge Subdivision Lots 5-8 survey, recorded 05/19/2005;
9. Covered Bridge Subdivision Lots 5-8 survey, recorded 08/21/2006;
10. Proposed Site Plan & Septic System for Lot 5 – Covered Bridge Development, prepared by Charles Burnham, Inc., dated 03/1992;
11. Warranty Deed, recorded 12/08/2011;
12. Warranty Deed, recorded 08/01/2024.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for setback waiver approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 3 (RR3) zoning district as shown on the Official Town of Stowe Zoning Map.
2. **Lot Area, Lot Width.** The minimum lot size in the RR3 zoning district is three (3) acres, and the minimum lot width is two hundred fifty (250') feet. The subject parcel is \pm 3.6 acres and the lot width is \pm 170 feet. No changes to lot area or width are proposed.
3. **Setbacks.** Setbacks within the RR3 district are as follows: front seventy (70') feet, side sixty (60') feet, rear sixty (60') feet. The site plan indicates compliance with all property line setbacks. However, a mapped stream bisects the property, and the existing dwelling is within the fifty (50') foot stream buffer. A waiver to the watercourse setback is not being sought. As proposed, the addition will only encroach into the eastern side yard setback. As per Section 3.4(8), the DRB may grant up to a twenty (20%) percent setback waiver. See Section 3.4(8) below.

4. **Use.** The subject parcel contains a single-family dwelling. One (1) family and two (2)-family dwellings are permitted uses in the RR3 District. The Applicant intends to construct an addition to the existing single-family dwelling in the future.
5. **Height.** The RR3 zoning district limits height to twenty-eight (28') feet. The Applicant provided renderings of a possible addition for the purposes of this setback waiver review. However, no actual building plans were submitted for the purposes of this DRB review. Any ensuing zoning permit will require that the building height not exceed twenty-eight (28') feet.

Conclusion: Based upon the above findings, the DRB concludes the proposal will meet applicable dimensional requirements for the RR3 District if constructed in conformance with the approved setback waiver. A zoning permit application shall be submitted and approved in accordance with the Regulations and the setback waiver approved under this Project.

Section 3.4 – Lot and Yard Requirements

6. The Applicant requests approval for a dimensional setback waiver to accommodate an addition to the existing single-family dwelling. The 'Setback Study' on the Site Plan states, *Irregular lot configuration (abandoned adjacent property)*, as the factor to consider for the requested setback waiver. The abandoned adjacent property the Applicant refers to is a thirty (30') foot wide strip of land (abandoned property) running along the east side of the subject parcel that once provided access to Lots 6, 7 and 8 of the original subdivision.
7. The thirty (30') foot wide strip of land now only provides access to the subject parcel and Lot 6 of the original subdivision.
8. The Applicant testified that if the owners had success in locating the owner of the 'abandoned property', they would have tried to purchase it, combine it with their parcel, and create a shared access easement for the benefit of their parcel and Lot 6. Another benefit of that would have been that the proposed addition could be permitted without the need for a setback waiver.
9. The thirty (30') foot wide strip of land still remains today.
10. The Applicant seeks to reduce the required sixty (60') foot side yard setback from the east property line to forty-eight (48') feet. This represents the twenty (20%) percent waiver allowance of Section 3.4(9).
11. The Applicant testified that the subject parcel has an irregular lot configuration and the building site is pinched by a stream, its associated riparian buffer, and the abandoned adjacent property to the east.
12. The subject parcel was created in 1972, prior to the adoption of the Subdivision Regulations.
13. Renderings of an addition have been included in the application packet, but the Applicant is only seeking a setback waiver at this time.

Conclusion: Based on the above findings, the DRB concludes that a waiver is necessary to allow for reasonable expansion of the existing dwelling given the irregular lot configuration of the subject parcel.

14. **Section 3.4(9):** The character of the surrounding area is dominated by single-family dwellings on individually subdivided lots. The surrounding dwellings are similar in scale and design.

15. The requested side yard setback waiver does not exceed 20%.
16. The proposed addition will not impinge upon sight distances on public and private roads. The parcel is served by a shared driveway off Alpine View Road.
17. The proposed addition will not adversely impact the use of adjacent parcels.

Conclusion: Based upon the above findings, the DRB concludes that the waiver meets all criteria of Section 3.4(9).

DECISION

The DRB hereby approves the Applicant's request for a setback waiver to construct an addition to the existing single-family dwelling (Project 7545) at 505 Alpine View Road (Parcel #10-100.000) as described in the application dated 01/31/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:
 1. Town of Stowe Development Application, dated 01/31/2025;
 2. Site Plan, Sheet A1.0, prepared by Volansky Studio, dated 04/30/2025;
 3. Elevations, Sheet A3.1, prepared by Volansky Studio, dated 04/30/2025;
 4. Elevations, Sheet A3.2, prepared by Volansky Studio, dated 04/30/2025;
 5. Lot 5 Covered Bridge Co., Inc to Philo R & Virginia H King, recorded 10/18/1972;
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 10. Proposed Site Plan & Septic System for Lot 5 – Covered Bridge Development, prepared by Charles Burnham, Inc., dated 03/1992;
 11. Warranty Deed, recorded 12/08/2011;
 12. Warranty Deed, recorded 08/01/2024.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The approved setback waiver only applies to the proposed addition on the east side of the existing single-family dwelling, as illustrated within the application and approved plans. Any changes to the approved plans which do not comply with the underlying setback requirements shall require further review by the DRB under Section 3.4(8) and/or the Regulations in effect at the time of application.
4. A zoning permit demonstrating conformance with the approved reduced setback (and all other applicable Regulations) shall be obtained prior to the commencement of construction and no later

than one year from the date of this approval. Failure to obtain a zoning permit within this one-year period shall render this DRB approval null and void.

5. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under Section 2.10 of the zoning regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant must provide the following:
 - a. Reasonable proof that the project has been completed in accordance with the approved plans and approved reduced setbacks. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Scot Baraw

The motion passed, 7-0.

Dated at Stowe, Vermont this the 10th day of June 2025

By: 
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.