

Hearing Date: June 5, 2023

Case: Case # 2023-007

Applicant(s): Sean Gilligan and Marilyn Keller

Subject Parcel: # 26060007

Address: 7 Nason Street

Review Requested: Review Required by Section 521 – To build a third accessory structure.

I. Description of Request and Relevant Facts

1. Applicant requests to build a third accessory structure (a shed) on their property.
2. This property is located in the R75 Residential 7500 District.
3. The property is currently permitted to construct a Single-Family Dwelling and two accessory structures (a garage and an artificial pond/pool). Construction is underway.
4. Section 521 of the Regulations stipulates that *A maximum of two (2) accessory structures may be permitted on a Single- or Two-Family Dwelling lot and that the Development Review Board may approve an increase to the number of accessory structures after receipt of a site plan and conducting a public hearing in accordance with Section 908 of these Land Development Regulations, based upon consideration of the size of the lot.*
5. The applicant has supplied a site plan to scale, showing the proposed structures on the lot (attached to the hearing application).

II. Public Notice

The warning of the public hearing and the certified mailings to abutters were completed as per statutory requirements in 24 V.S. A. Chapter 117.

III. Completeness of Application

The applicant has submitted an application with sufficient information for the

Development Review Board to make a ruling on the completeness of the application, including possible requirements for supplemental information and evidence before the hearing can be Closed. Staff will advise the applicant of any known deficiencies in the application before the hearing.

IV. Applicable Regulations and Review Standards

The process and standards for approval of Conditional Use Review are found in the City of St. Albans Land Development Regulations in Section 602, and there are other applicable standards in the Regulations. Staff has listed and highlighted what we feel are relevant sections below for reference, and it is possible that there are other relevant sections not listed below. Staff recommendations and concerns are highlighted.

Section 521 Accessory Structures and Uses

Accessory structures and uses shall be permitted under permit review and approval from the Zoning Administrator subject to the following requirements:

- A. Relation to principal buildings – Accessory structures and uses are permitted only in connection with, incidental to, and on the same lot with, a principal structure or use which is permitted in the particular zoning district. No accessory structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. Maximum number – A maximum of two (2) accessory structures may be permitted on a Single- or Two-Family Dwelling lot, provided that all other requirements of this section are met. Only one (1) detached garage shall be permitted. A maximum of one (1) detached accessory structure shall be permitted on any other residential lot. The Development Review Board may approve an increase to the number of accessory structures after receipt of a site plan and conducting a public hearing in accordance with Section 908 of these Land Development Regulations, based upon consideration of the size of the lot.

The size of the parcel is estimated at 0.3855 acres, which is 16,792.38 square feet. The permitted lot coverage on the parcel equals approximately 20%, which is half of the allowed 40%. The proposed addition of the 156 square foot shed and deck would remain within compliance of the lot coverage rule.

- C. Location – Accessory Structures shall not be erected in any right-of-way, easement or required front yard. When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said structure shall not project beyond the front yard setback required to the rear of such corner lot.
- D. Setbacks and spacing for detached accessory structures – Setbacks for accessory structures shall conform to the applicable dimensional requirements in Sections 303 and

523.

Spacing requirements for accessory structures are as follows:

1. Where the accessory structure is structurally attached to a principal building or structure (e.g. a deck, garage or breezeway), or is less than ten (10) feet from the principal building, the accessory building shall be subject to all regulations applicable to principal structures and uses.
 2. Spacing from another accessory building shall be a minimum five (5) feet.
 3. The front building line of a detached garage shall be a minimum of ten (10) feet behind the front building line of the principal structure.
 4. The front building line of all other accessory structures shall be a minimum of ten (10) feet behind the rear building line of the principal structure.
- E. Garage or carport location in developments of multiple Dwelling Units – In the case of attached residential dwelling complexes of multiple Dwelling Units on the same lot, detached parking garages or carports may be permitted in the non-required front yard if, during site plan review, the design and locations are found to be complementary with adjacent uses and will not detract from the view or visibility of motorists.
- F. Yard coverage and footprint – Accessory buildings in a residential district shall have a combined maximum rear yard coverage of twenty-five (25) percent and a maximum combined footprint of nine hundred (900) square feet. For substandard lots, coverage may be increased an additional ten (10) percent if the accessory building does not exceed five hundred seventy-six (576) square feet in size. The footprint of accessory buildings in all districts shall not be greater than the square footage of the principal building.

Staff calculations conclude that the proposed garage, pond/pool and gazebo/shed are within the combined 900 square foot limit.

- Garage: 312
- Pond/Pool swim zone: 360
- Gazebo/Shed: 156

G. Maximum height for detached accessory structures:

1. The maximum building height of any detached accessory structure on any Single- or Two-Family Dwelling shall be as follows, measured from the average height between the eaves and the ridge:
 - a. Seventeen (17) feet where the principal building or structure is of two (2) or more stories in height; and
 - b. Fourteen (14) feet where the principal building or structure is less than two (2)

stories in height.

2. For the above, in no case shall the height of the accessory structure exceed that of the principal building or structure.
3. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts if the building exceeds twenty (20) feet in height.

The gazebo/shed is proposed at 11 feet in height.

- H. Drainage – The placement and design of any accessory structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.

Preliminary staff analysis little reason to conclude that this proposal would have a substantial effect on drainage. However, it should be noted that there is no drainage information on the proposed site plan.

- I. Restrictions on Use – Accessory structures shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation except as allowed by other sections of the Land Development Regulations.

Section 903 Permits and Approvals

B. Validity and Expirations of Permits and Approvals

1. Unless otherwise noted in these Regulations, the period of validity of Development Review Board decisions and Administrative Decisions (by the Zoning Administrator or Design Advisory Board) shall be as follows:
 - a. Any approval by the Development Review Board shall expire after two years from the date upon which the appeal period for said approval was complete or the date upon which any appeal of said approval was finally adjudicated, unless the Development Review Board's decision specifically granted a longer period of validity, such as for a construction timeline submitted as part of a site plan application. There shall be no extension of a Development Review Board's initial approval, but the Board may consider a new application for the same project, subject to the Regulations at the time of the new application.

V. Other Relevant Information

Previous Permitting Actions for Subject Parcel

1. March 14, 2022 – Permit for new Single-Family Dwelling, detached garage,

- pond/pool and temporary trailer (during construction).
2. September 17, 2015 – Permit for further demolition work.
 3. April 1, 2011 – Permit to demolish fire-damaged house.
 4. February 14, 2011 – Vacant Building Permit.

Overhead View (Google. Empty lot before current construction activity began.)



