Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3946

Property Owner/Applicant: Dale and Patricia King

Parcel ID: 03-24a

Application Number: 3946

Reason for Application: Applicant requesting a front setback waiver in accordance with Section 3.6 and Article 5 of the Fayston Land Use Regulations for a detached garage.

Public Hearing Attendees: **Attending DRB Members**: Daniel Young (Chair), Mike Quenneville, Jim Donkersloot (Vice Chair), Beth Eisenhower, Ky Koitzsch and Eve Silverman (Alternate & Minutes Taker) **Zoning Administrator**: Jason Wilson; **Public**: Dale King

Introduction and Procedural History:

1. The Development Review Board Application #3946 was filed on May 12th, 2025. The subject parcel is Parcel ID # 03-024a at 150 Rankin Road. Applicants Dale and Patricia King request approval per Section 3.6 and Article 5 of the 2023 Fayston Land Use Regulations for front setback waiver for an enlargement of a detached garage. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

2. Notice of the hearing was properly published. On May 15th, 2025 the legal warning for a public hearing for review of this application was published in the Valley Reporter. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

3. Abutters to the property were properly notified of the hearing.

4. The application and plans were considered by the Development Review Board at a public hearing which occurred on June 3rd, 2025 and continued to a site visit on June 26th, 2025 and then continued again to July 1st, 2025. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May 2023.

The following exhibits were submitted to the Development Review Board:

1. On May 12th, 2025 the applicant submitted a Development Review Board Application (#3946), list of abutting landowners, sample abutter letter and site location maps.

2. On May 19th, 2025 the applicant submitted a site plan titled "Dale & Patricia King, Rankin Road, Fayston, VT" S-1 by Bannon Engineering, dated December 5, 2017 with hand drawn additions by the applicant.

3. On May 19th, 2025 the applicant submitted proof of notification of abutters and project narrative

Findings of Fact:

1. The property located at 150 Rankin Road (03-024a) and consists of 5 acres owned by Dale and Patricia King and located in the Rural Residential District.
2. Parcel 14-040 has the following town permits:

   A. #144 Zoning Permit (1976)
   B. #569 Zoning Permit (1981)
   C. #677A Sign Permit (1983)
   D. #724 Zoning Permit (1983)
   E. #3118 Subdivision (2011)
   F. #3119 Conditional Use (2011)

3. The applicant's parcel is adjacent to land owned by Dennis & Nancy Griffin, Jill & Kyle Ellis Joint Trust, David & Margo Viggiano, Jeffrey Tobroke, Dale & Tracy King, Elizabeth Vavarella and Peter C Colgan 1999 Family Trust.

4. Application #3946 was deemed complete at the June 3rd, 2025 Development Review Board Meeting.
5. Pursuant to Section 3.6(D), The DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet, and side/rear setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line and:

   a. accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback; or

   b. is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions.

6. Shepard Brook runs along the northern boundary of Parcel 03-024a with the corresponding stream buffer per Section 3.14.
7. The slopes between the house site and Shepard Brook are greater than 15% and in excess of 25% in many areas.
8. Pursuant to Section 5.4, the project must meet the General Review Standards stated therein. Conditional use approval shall be granted by the DRB upon finding that the

proposed development shall not result in an undue adverse effect on the 1) capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways in the vicinity, 4) bylaws in effect, and 5) utilization of renewable energy sources. In addition, these general standards, the Board may also consider and attach specific conditions to conditional use approval as appropriate to avoid, minimize or mitigate the adverse impacts of a proposed development, including 1) siting and dimensional standards, 2) performance standards, 3) access and circulation standards, 4) landscaping and screening standards, and 5) stormwater management and erosion control standards.

Decision:

DRB members voted as follows to approve application #3946 with the following conditions:

1. Obtain and follow all State and Federal permits. Copies of these permits shall be submitted to the Town of Fayston. Copies of any drawings that supersede the design shown on the materials presented to the DRB shall be submitted to the Town of Fayston.
2. Applicant shall stake out the project site and contact the Zoning Administrator to take measurements to ensure the 45 foot front setback isn't infringed upon.

Jim Donkersloot: **YES**/ no/ abstain / absent / recuse
Daniel Young: **YES** / no/ abstain / absent /recuse
Ky Koitzsch: **YES** / no / abstain / absent / recuse
Beth Eisenhower: **YES /** no/ abstain /absent/ recuse
Mike Quinneville: **YES** /no / abstain / absent / recuse

Dated at Fayston, Vermont, this the 15th day of August 2025
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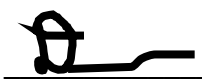

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Daniel Young, Development Review Board Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) 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 Court Proceedings.