

**TOWN OF POMFRET  
Zoning Board of Adjustment**

**Application for Variance**

**Minutes, Findings and Decision**

In re: North Pomfret UCC Church  
Application #ZP19-26

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a variance submitted by the North Pomfret UCC Church under the Pomfret Zoning Ordinance.
2. The application was received by the Administrative Officer on October 15, 2019.
3. On November 7th, 2019, notice of a public hearing was published in the Vermont Standard.
4. On November 7th, 2019, notice of a public hearing was posted at the following places:
  - Town Clerk's Office
  - North Pomfret Post Office
  - Teago General Store
5. A copy of the notice of a public hearing was mailed by the Administrative Officer to the following owners of properties adjoining the property subject to the application:
  - David P. Goat
  - Cathleen Clafin
  - Timothy Ives and Maureen Martin
  - Jessica and Bradley Jaworski

**HEARING**

6. Application #ZP19-26 by the North Pomfret UCC Church is for a variance of applicable setback requirements for a covered entryway to be placed on parcel #2903 at 7767 Pomfret Road, North Pomfret. The entryway is being constructed in connection with the Church's installation of an accessible lift inside the Church.
7. The application was considered by the Zoning Board of Adjustment at a public hearing on November 21, 2019 at 6:30pm following a site visit at 5:30pm

8. Present at the site visit were the following members of the Zoning Board of Adjustment (ZBA): Alan Blackmer (Chair), Shaun Pickett, and Benjamin Brickner. Also present were Karen Hewitt (Zoning Administrator), Robert Harrington, Herb Hohl, Dave Bollinger and Amanda Swoyer.
9. Present at the hearing were the following members of the ZBA: Alan Blackmer (Chair), Shaun Pickett and Benjamin Brickner. Also present were Karen Hewitt (Zoning Administrator and Clerk for the ZBA), Robert Harrington, Herb Hohl, Dave Bollinger and Amanda Swoyer.
10. At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. Robert Harrington, Herb Hohl, Dave Bollinger and Amanda Swoyer were sworn in as an interested person.
11. The subject property is a 0.50± acre parcel located at 7767 Pomfret Road in the Town of Pomfret (parcel ID #2903).
12. The application requires review under section 7.4 of the Pomfret Zoning Ordinance. The ZBA is authorized to decide on this application under section 11.2.2 of the Pomfret Zoning Ordinance.
13. During the course of the hearing the following testimony was heard from Robert Harrington, Dave Bollinger, Herb Hohl (Trustees of the Church) and Amanda Swoyer (Church Pastor). Robert Harrington, Dave Bollinger, Herb Hohl, and Amanda Swoyer were sworn in.
  - The construction of a covered entryway is in connection with the Church's installation of an accessible lift inside the Church. The current ramp (which is not handicap accessible because it is too steep) will be removed. The work is being done to remedy current ADA Compliance issues.
  - The covered entryway will be located such that its closest point will come to approximately five (5) feet from the adjacent property line (parcel ID# 0161), approximately thirty (30) feet from the edge of the Pomfret Road right of way, and approximately fifty-five (55) feet from the center of the traveled portion of the Pomfret Road right of way.
  - The Church Trustees looked at alternatives at the rear and side of the building and the best option aesthetically and to comply with the ADA is the proposed installation at the front of the building.
  - The Church is aware of the historical and aesthetic value of the Church to the Town of Pomfret and the covered structure has been designed in keeping with the aesthetic appearance of the Church.

- Adding the accessible lift to the interior of the building will allow access to the second floor that currently is not being utilized to its fullest extent. In addition, some parishioners are unable to access any part of the Church due to a lack of accessible entryways (the existing ramp being too steep).
  - The roofline of the covered structure at the base of the stairs adjacent to the current driveway will have the same pitch as the current roofline of the Church. The structure will consist of half walls and the upper portion will be open on both sides.
  - The covered structure will be on a concrete sidewalk platform, and will be six (6) feet wide. Roof pitch will be at approximately 3 inches for drainage. The door will open out.
14. Alan Blackmer made a motion that the hearing be closed to testimony. Shaun Pickett so moved. Benjamin Brickner seconded the motion. The hearing closed at 6:35pm. The ZBA went into deliberation session thereafter.

## **FINDINGS**

Based on the application, testimony, site visit, and public hearing testimony the ZBA makes the following findings with regard to application #ZP19-26 under section 11.4 of the Pomfret Zoning Ordinance:

15. All Procedural steps leading to the decision herein were properly taken, including notification of adjoining property owners.
16. Pursuant to section 7.4 of the Pomfret Zoning Ordinance, a variance is required to place any part of a building or structure closer than forty (40) feet to a side property line, sixty (60) feet to the edge of a public right of way, or eighty-five (85) feet to the center of the traveled portion of a public right of way, as is proposed in application #ZP19-26.
17. Before granting a variance, the ZBA must make certain findings, as more particularly described in 24 V.S.A. 4469(a) and Section 11.3 of the Pomfret Zoning Ordinance.
18. The ZBA has made the findings required by 24 V.S.A. 4469(a) and Section 11.4 of the Pomfret Zoning Ordinance with respect to application #ZP19-26.

## **DECISION AND CONDITIONS**


Based upon these Findings, the ZBA **grants** a variance for application #ZP19-26 by The North Pomfret UCC Church on parcel #2903 at 7797 Pomfret Road.

Applicant's proposed uses shall conform to its submissions, plans and representations, including those described in the Minutes and these Findings and Decision, except as modified by the conditions provided for in this Decision. In particular:

1. Applicant shall not place any part of the proposed covered entryway closer than five (5) feet to a side property line, thirty (30) feet from the edge of the Pomfret Road right of way, or fifty-five (55) feet from the center of the traveled portion of the Pomfret Road right of way. Nor shall Applicant place any part of any other building or structure closer than forty (40) feet to a side property line, sixty (60) feet to the edge of a public right of way, or eighty-five (85) feet to the center of the traveled portion of a public right of way.
2. Applicant shall adhere to the plans and drawings substantially as presented before the ZBA.
3. The Pomfret Zoning Ordinance shall apply to application #ZP19-26 in all respects, except as provided in this Decision.

The Decision of the ZBA regards only the application for the activities referenced herein on the subject parcel. The conformity of any other uses or activities on Applicant's property was not considered or addressed in this Decision.

These Minutes, Findings and Decision approved at Pomfret, Vermont, this 4<sup>th</sup> day of December, 2019.

  
Alan Blackmer, Chair, Zoning Board of Adjustment

Members Alan Blackmer, Benjamin Brickner and Shaun Pickett voted in the affirmative.

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.