

TOWN OF GEORGIA ZONING BOARD OF ADJUSTMENT
47 Town Common Road North
Georgia, VT 05478
Phone: 802-524-9794 • Fax: 802-524-3543
Monday, November 4, 2019

Board Members Present: James Powell, Krissy Jenkins, Tony Gabel, Gilles J. Rainville, Kyle Anderson, and Rich Hamlin.

Board Members Absent: None

Staff Present: Cindy Deyak, Zoning Administrator

Others Present: Kevin and Carol Lavalley, Dawn Penney

Unapproved

Meeting called to order at 7:00 pm by James Powell, Chair.

James Powell swore in those providing testimony.

ZBA #002-19 John Rhodes Revocable Trust, Jeffrey Nielsen, Trustee, Owner; Kevin and Carol Lavalley, Applicants.

Cindy Deyak read the Zoning Administrator's report.

“On September 30, 2019, applicants Kevin and Carol Lavalley submitted an application requesting a variance from the maximum building height allowed in order to demolish an existing dwelling and construct a new dwelling on property owned by the John Rhodes Revocable Trust. Said property is located at 2253 Georgia Shore Road in the L1 zoning district. Applicants have submitted a plan entitled, “Site Plan for Lot 1 John Rhodes Estate, 2253 Georgia Shore Road, Georgia, Vermont” dated September 25, 2019, and prepared by O’Leary-Burke Civil Associates.

The subject property is currently a portion of an 8 unit condominium development located on 2.44 acres of land along Georgia Shore and is governed by the Old Doc Rhodes Lake Shore Development Condominium. The subject parcel is benefitted by a limited common element of 1.23 acres including approximately 224 feet of frontage on Georgia Shore Road.

The subject property contains an existing raised ranch style dwelling with a footprint of 35’ x 28’ and a height of 18.8 feet. Although the existing structure meets the current setback requirements for the zoning district, the structure is classified as a pre-existing, non-conforming structure because it exceeds the current height restriction of 16 feet (Section 2.3).

Applicants propose to raze the existing dwelling house and construct a new dwelling. Applicants’ proposed dwelling meets the current setback requirements of the district. However, according to applicants’ submitted plans, the proposed dwelling height, as calculated by applicants’ engineer, at the average grade is 27.5 feet which exceeds the degree of non-conformity of the existing dwelling. Applicants are, therefore, requesting a height variance of approximately 9 feet...”

Applicants shared several photographs of the proposed dwelling. Applicant Kevin Lavalley stated that they were only requesting a building height of 22 feet and wasn't sure how their engineer calculated the overall building height at 27.5 feet. Mr. Lavalley also stated that the proposed structure was a ranch style house with a walk-out basement toward the lake. The purpose of the additional height request was to accommodate nine foot interior ceilings, vaulted ceilings, and tray ceilings and the exterior peaks required by the overall design.

Applicant Carol Lavalley described other residences in the area as two and three story homes although these homes are either outside of the 200 foot height restricted area or were constructed prior to the adoption of the height restriction.

Mr. Lavalley stated that they had contacted Vermont Shoreland Protection and were advised that they would be required to re-vegetate the lot to replace the trees to be removed for construction of the house. Mr. Lavalley also stated that they had received a Letter of Map Amendment from FEMA removing the proposed house site from the special flood hazard area, although a portion of the lot remains in the flood zone.

The Zoning Administrator explained that the existing dwelling is a pre-existing, non-conforming structure in that it is currently 18.8 feet high and, therefore, exceeds the current height restriction of 16 feet. Under the current zoning regulations the applicants would be allowed to reconstruct a new dwelling at a height of 18.8 feet as long as the square footage constructed at 18.8 feet did not exceed the existing square footage at 18.8 feet. The applicants and the board had a general discussion regarding various design options which could meet the current regulations.

Motion to close the hearing at 7:30 p.m., made by Gilles Rainville, seconded by Tony Gabel. No further discussion. The ayes were unanimous; the motion carried.

The board reviewed and discussed the minutes from the February 4, 2019, meeting. Motion to accept the minutes of the February 4, 2019, Zoning Board of Adjustment meeting, as presented, made by Gilles Rainville, seconded by Kyle Anderson. No further discussion. The ayes were unanimous; the motion carried.

Motion to enter deliberative session made at 7:40 p.m. by Krissy Jenkins, seconded by Gilles Rainville. No further discussion. The ayes were unanimous; the motion carried.

Motion to come out of deliberative session made at 8:00 p.m. by Rich Hamlin, seconded by Kyle Anderson. No further discussion. The ayes were unanimous; the motion carried.

Motion out of deliberative session to deny Kevin and Carol Lavalley's request for a height variance based on applicants' failure to meet the five required criteria for the granting of a variance made by Gilles Rainville, seconded by Tony Gabel. No further discussion. The ayes were unanimous; the motion carried.

Motion made to close the meeting at 8:05 p.m., made by Kyle Anderson, seconded by Gilles Rainville. The ayes were unanimous, the motion carried.

Respectfully submitted,
Cindy Deyak
Acting Secretary