

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION
(Findings of Facts, Conclusions, and Decision)

PERMIT NO.: Z09-51

Property address: 10 Pleasant Street

PROPERTY OWNER: Steven Quenneville
279 Hill Street
Barre, VT 05641

Parcel no.: 238001
Parcel size: 4,000 SF acres

APPLICANT: Sandra Vitzthum
Sandra Vitzthum Architect, LLC
46 East State Street
Montpelier, VT 05602

I. INTRODUCTION

On July 2, 2009, Sandra Vitzthum, on behalf of **Steven Quenneville** ("Applicant") filed an application for a zoning permit for a project generally described as **the conversion of a former laundromat into additional apartments (up to 4 with up to 4 bedrooms total)**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on July 14, 2009.

Under the Randolph Zoning Regulations ("Regulations"), projects are reviewed based on the site plan, conditional use and/or any other applicable criteria of the Regulations. Before the Administrative Officer ("Administrator") may grant a permit, the Board must find that the project complies with all applicable criteria and approve the site plan, the conditional use and/or provide any other approval, as required.

Decisions must be stated in the form of Findings of Facts and Conclusions of Law. In rendering this decision, the Board relied on the following:

1. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on July 28, 2009;
2. Documents contained in this application's file, the Regulations, Town Plan and the Randolph municipal records.

The Board closed the public hearing on July 28, 2009 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1209 and supersedes the oral decision.

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Commercial (COM) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.
3. The existing use of the building is as 9-unit multi-family dwelling and a former laundromat. The Regulations for the COM District require a minimum lot size of 5,000 SF per family unit.

Therefore, the 9 units require a minimum lot size of 45,000 SF. The existing lot size is ±4,000 SF, thus the existing use as a 9-unit multi-family dwelling is non-conforming. To add up to 4 additional dwelling units would require approval to expand the non-conforming use pursuant to §2.5.4 of the Regulations.

On July 14, 2009, the Administrator referred the application to the Board for review and approval as determined.

III. PARTICIPANTS

For the purposes of this application, “interested persons” are those who fulfill the requirements of 24 VSA ch. 117 §4465. Sandra Vitzthum, representing the Applicant was the only participant in this proceeding.

Participating Board members were John Becker, J. Kenneth Currier, Samuel Lincoln, Christopher Recchia, Frank Reed, Krista Rumrill and Joel Tillberg.

IV. FINDINGS OF FACTS

The following findings are facts that were entered into the record for this application and relied upon by the Board in formulating its conclusions and decisions. While other evidence may have been or is also entered into the record, if it is not included herein, the Board has determined that it is either not relevant evidence or that it is not a fact.

Project Description

1. The applicant has filed an application for the conversion of a 1,781-SF laundromat on the first floor of 10 Pleasant Street into additional apartments as shown on Exh. # 2. This exhibit was modified by Sandra Vitzthum to show existing pedestrian accesses to the building. (application and testimony of S. Vitzthum)
2. No more than 4 apartments will be added with a total of 4 bedrooms. No changes to the footprint of the building, nor the site plan are proposed. (application and testimony of S. Vitzthum)
3. The subject property is approximately 4,000 SF. It is multi-storied with 9 dwelling units currently on the upper floors. These 9 units require a minimum lot size of 45,000 SF, therefore the existing use as a 9-unit multi-family dwelling is non-conforming. Adding up to 4 additional units will expand the non-conforming use and therefore requires approval pursuant to §2.5.4. (application and Regulations)

The proposed use, design and layout meets the provisions of the zoning ordinance, other regulations and ordinances of the Town and the Town Plan. (SP criterion A)

4. The development standards for setbacks and building coverage are not applicable as no changes to the footprint of the building are proposed. (Regulations and application)
5. The required off-street parking is 1½ spaces per dwelling unit but this requirement may be modified by the Board. The proposed project requires up to 20 off-street parking spaces. None are provided. On-street parking is available directly in front of the building and three public parking lots are in the vicinity, with the closest one being within 200 feet (Regulations, application and Exh. #3)
6. The proposed apartments will generate less vehicular traffic than the previous use of the space as a laundromat. (testimony of S. Vitzthum)

7. There is no clear and unambiguous language in the Town Plan that refers to the proposed project. However, there are two goals which relate to the proposed project:
- page 68 goal 9A: "Encourage high density development in areas most convenient to Town services."
 - page 68 goal 9D: "Encourage adaptive re-use of appropriate historic structures to satisfy housing needs."

The property, being in the downtown, is served by the following Town services: public water and sewer and is in the Police District. The building is over 50 years old. (Town Plan, municipal records and testimony of S. Vitzthum)

No non-conforming use shall be extended or expanded except with the approval of the Board, which shall have determined that no greater detrimental effect upon the community will result. (§2.5.4)

8. The proposed apartments will be either efficiencies or two-bedrooms and will generate less traffic than the previous use of the property for a laundromat. (testimony of S. Vitzthum)

The proposed use and layout is of such a nature that it will not make vehicular or pedestrian traffic hazardous when considering turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points. (SP criterion C)

The proposed height and location of buildings, walls, fences, parking, loading and landscaping will not interfere with or discourage the appropriate development in adjacent land or unreasonably affect its use. (SP criterion D)

9. There are no on-site provisions for vehicular traffic, as almost the entire property is covered by the building. No changes to the existing pedestrian access to the building are proposed. (Exh. # 2 and testimony of S. Vitzthum)

The proposed use, design and layout is of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area. (SP criterion B)

10. The surrounding area is a dense mixture of commercial and residential uses. The adjoining property to the north and east has a 48-unit multi-family dwelling. There are residences to the south and west, as well. The proposed project is in keeping the dense residential character of the area. (application)
11. No dumpster for the tenants currently exist nor is one proposed. (testimony of S. Vitzthum)

V. CONCLUSIONS

Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above and including the Applicant's representations at the public hearing, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the following criteria:

1. Expansion of a non-conforming use criteria

No greater detrimental effect upon the community will result from the proposed project.

2. Site Plan Criteria

- A. The proposed use, design and layout meets the provisions of the zoning ordinance, other regulations and ordinances of the Town and is not in non-conformance with the Town Plan.
- B. The proposed use, design and layout is of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- C. The proposed use and layout is of such a nature that it will not make vehicular or pedestrian traffic hazardous when considering turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points.
- D. The proposed height and location of buildings, walls, fences, parking, loading and landscaping will not interfere with or discourage the appropriate development in adjacent land or unreasonably affect its use.

VI. DECISIONS¹

Based upon the foregoing Findings of Facts and Conclusions, the Board hereby makes the following decisions regarding the conversion of a laundromat into additional apartments as applied for in zoning permit application #Z09-51 and including the evidence and testimony entered into the record as Findings of Fact.

- A. The expansion of a non-conforming use is granted.
- B. The off-street parking requirement is set at zero (0) due to the inability of the property so provide any and to the proximity of available municipal parking lots.
- C.. The modified site plan approval is granted with the condition that any significant modifications to the approved site plan shall require re-approval by the Board pursuant to the regulations in effect at the time of re-application.

¹ An interested party (as defined in 24 VSA §4465) who participated in this proceeding may appeal this decision to the Vermont Environmental Court within 30 days of the date of the decision, for a fee of \$250 and a notice in writing, certified mailed to the Environmental Court, giving reasons for the appeal, and a copy mailed to the Zoning Administrator. Failure to appeal this decision may prevent any party from arguing against its elements in a future hearing or appeal. 24 VSA §4472.

Dated at Randolph, Vermont this 7th day of August, 2009.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members

Joel Tillberg, Chair

John Becker

/s/ J. Kenneth Currier

/s/ Frank Reed

/s/ Samuel Lincoln

/s/ Krista Rumrill

Christopher Recchia