

**CITY OF RUTLAND, VERMONT**  
**Development Review Board Minutes**  
**Wednesday May 15, 2019**

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen.

Members present: Lorentz, McClallen (Chair), Paul, Pell and Wilk.

Also present: Zoning Administrator Tara Kelly.

At 6:04 PM Chair McClallen called to order the Public Hearing to consider a Variance application for 102 Bellevue Avenue. The applicant is requesting a reduced setback to accommodate planned renovation on an existing single-family house. The result would be a 6' setback from the corner of the planned addition to the southerly property line.

Before opening the hearing, Chair McClallen disclosed he has both a personal and professional relationship with the Kiernans. He offered to recuse himself. No one objected to him continuing to participate in the hearing as the DRB Chair. McClallen also declared Member Pell had sold the subject property to the Kiernans and has had other professional dealings with them. No one objected to him continuing to participate in his DRB role.

Chair McClallen explained the DRB hearing process and that participation in the hearing was a prerequisite to the right to appeal. Anyone wishing to participate in the hearing was given a chance to swear in. In attendance for this hearing were the applicants, Jon and Andrew Kiernan. Other members of the public in attendance were:

- Robin Goodspeed                      98 Bellevue Ave
- Nicole Abatiell                        102 Bellevue Ave
- Ed Bove                                 Rutland Regional Planning Commission
- Robert Pelletier                      Building Inspector, City of Rutland

After swearing in the applicant and members of the public, Chair McClallen asked the applicants to explain their request. The following testimony was offered by the applicants:

- A 13 x 16 three season room was added to the house a number of years ago, apparently without permits as no record of the addition has been found in the City's records
- The existing room is only 8' from the property line (already encroaching into the setback)
- The applicants would like to remove that room
- They would then like to add a room with a full basement along with a ½ bath in that location
- The size of the planned addition would be 15 x 20, same height as the existing room

Chair McClallen explained that a Variance requires response to the five criteria set forth by State Statute. He asked the Kiernans to explain how their request relates to those criteria.

- The lot has a slanted property line on the south side. The line starts wide at the street and narrows in as it goes east toward the back of the lot. It is this physical characteristic which creates the need for a Variance.

- The lot dimensions were not created by the applicant
- The change of the setback by 2' (compared to existing conditions) and with the use to continue as a single-family house is not going to change the character of the neighborhood
- The requested Variance is the minimum needed to accomplish the project

Chair McClallen asked the applicants about the existing propane tank location and how that may change going forward. Mr. Kiernan explained the current location of the propane tank is temporary during construction. Post-construction it would move to the northeast side of the property, behind an existing garage.

Member Wilk asked about drainage on the site. Mr. Kiernan explained the site is relatively flat but water tends to drain across his property from Highland Ave which is higher elevation. Member Lorentz asked about the roof drainage. Mr. Kiernan explained the existing roof drains entirely toward the neighbor to the south. The new roof will be peaked with drainage coming off in an east and west direction onto their own property.

Member Lorentz asked about the ½ bath addition. She asked about the drawing which depicts a bulkhead. Mr. Kiernan explained the bulkhead will be under the ½ bath.

Chair McClallen asked Ms. Goodspeed if she had any comments or questions. She stated her primary concern had been the propane tank. She is satisfied with the solution.

No other public comment or testimony was given.

The hearing was adjourned at 6:15 PM. Chair McClallen explained the timeframes for issuing a decision and filing for an appeal of that decision.

Respectfully submitted,  
**Tara Kelly**  
**Development Review Board Clerk**