

**NOTICE: TOWN OF WEST RUTLAND DEVELOPMENT REVIEW BOARD (DRB)**

On **Wednesday November 20, 2024, starting at 7:00 pm**, the DRB will convene its **Regular Meeting at Town Office (35 Marble St. W.R.)**. THIS IS A PUBLIC MEETING with HEARING(s) to be held In-Person and via Zoom at the Town Office Conference Room

Attending Participants are to be registered or logged-in by 7:15 pm and present testimony on this application, or may forfeit their right to appeal any decision of the DRB to VT Environmental Court.

**DRAFT DRB AGENDA for 11/20/2024**

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**Call to Order & Pledge of Allegiance.**

**Agenda:** Amend or approve draft Meeting Agenda

**Minutes:** None to approve.

**Miscellaneous Public Concerns & Input** (time may be limited by Chair)

**Open Public Hearing on Application 24-36** from Gary & Kerri Samuel, who request a side setback Variance in order to construct an access-friendly 18' x 24' ground level bedroom with bath and porch, on the back (north) side of their residence at 115 High Street (Parcel #26-0400115).

Swear in interested parties and receive testimony

1. Close the Hearing to testimony OR recess and continue Hearing to a future time, date and place.

**Discuss re-Opening of Public Hearing on Application 24-35** from Travis Tinsdal, d.b.a. Mountain Girl Cannabis Inc. for a Change of Use to a Tier 2 Cultivator in the existing greenhouse and use the facility at 3776 Whipple Hollow Rd. (Parcel 02-30003776) for light manufacturing of the crops into consumer products.

Swear in interested parties and receive testimony

1. Close the Hearing to testimony OR recess and continue Hearing to a future time, date and place.

**Other Business & Issues to Discuss:**

Open Meeting Law Updates

Zoning Administrator report.

DRB member concerns & updates.

**Deliberative Session:** Enter D.S. to review Applications and issue instructions to Zoning Administrator.

**Schedule the next Meeting** at Town Offices, if there is business for the Board and a quorum is available.

**Adjourn**

**Remote Participation Options via ZOOM include:**

**Via computer/video:**

<https://Zoom.us/j/97991715548?pwd=bTk0TWZUQUlMc095V3kvNk5Zelp5Zz09>

**Meeting ID: 979 9171 5548**

**Passcode: 623067**

**Via Telephone/audio (only):**

**Dial: 1 646 876 9923 Meeting ID: 979 9171 5548 Passcode: 623067**

If unable to connect by Zoom, contact the Zoning Administrator at 1-802 770-0380

2024



TOWN OF WEST RUTLAND

Permit # 24-36 Parcel ID # 26-0400115

ZONING PERMIT APPLICATION (2pg.)

Name of Applicant: GARY & KERRI SAMUEL

Address: 115 HIGH ST W. RUTLAND 05777

Phone # 802-417-8642

Name of Property Owner: SAME Email:

(if different)

Address:

Locatable Address: 115 HIGH ST

Size of Property: 0.14 AC Book 110 Page 35-36

Present Use of Property: RESIDENTIAL

Zoning District: RESIDENTIAL Flood Plain or Wetland Issues? N

Description of proposed project; Include structures, demolitions or change of use:

Number of stories: (Include basement) Building Height:

Total Square Footage: Estimated Cost of Construction:

Type of water system: MUI Type of Sewage System: MUI

Additional Comments: SET BACK VARIANCE REQUESTED. PRE-ZONING NON-CONFORMING (NARROW) SFR & LOT

Roads or waterways adjoining property: HIGH ST

Is the property owner the owner of the adjoining property? N

If the answer is yes, describe the adjoining property: N

Is the property in a flood hazard area? N Wellhead Protection area? N Wetland area? N

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Attach a scaled drawing of the property on a separate sheet that shows the dimensions of the property, the location of any structures (existing or proposed) on the property, the distance between such structures and property lines and the location of driveways and parking areas. Include floor plans / elevations of the proposed building when applicable.

CERTIFICATION OF APPLICANT

The undersigned applicant hereby certifies that all information submitted on this application is accurate and that the information provided is complete.

Gary & Kerri Samuel Applicants signature

9-25-24 Date

PROPERTY OWNER'S AUTHORIZATION

The undersigned applicant hereby certifies that all information submitted on this application is accurate and that the information provided is complete.

Date Applicants signature Gary & Kerri Samuel

Date 9-25-24



**Town of West Rutland**

35 Marble St. West Rutland, VT 05777 (802) 438-2204, fax 438-5133

**Application to the Development Review Board**

Applicant: GARY & KERI SAMUEL Phone: 802-417-8642

Address: 115 HIGH ST

Interest in Property (owner, lessee, agent): \_\_\_\_\_ Date property Acquired: NA

Local Description of property (911): 115 HIGH ST

Legal Description of Property: Book 110 Page 35

Type of Application

- ( ) Request for Site Plan Approval
- o Request of interpretation of Zoning Ordinance of Map
- o Appeal of a Decision of the Zoning Administrator
- o Application for a Condition Use Permit
- Application for a Variance
- o Application for an Extension of a Non-Conforming Use

Provision of Zoning Ordinance in Question: ARTICLE V - SETBACK IN VILLAGE ZONE  
SECTION 1209 - GENERAL VARIANCE REVIEW

Reason for Appeal: \_\_\_\_\_

Specific Relief Requested: GRANT SETBACK VARIANCE OF 12' FEET ON WEST SIDE OF EXISTING S.F.R.

The following Documents are submitted in support of this application

A fee of \$250,000 must be submitted with this application

Date: 9-25-24 Signature of Applicant: Gary & Keri Samuel

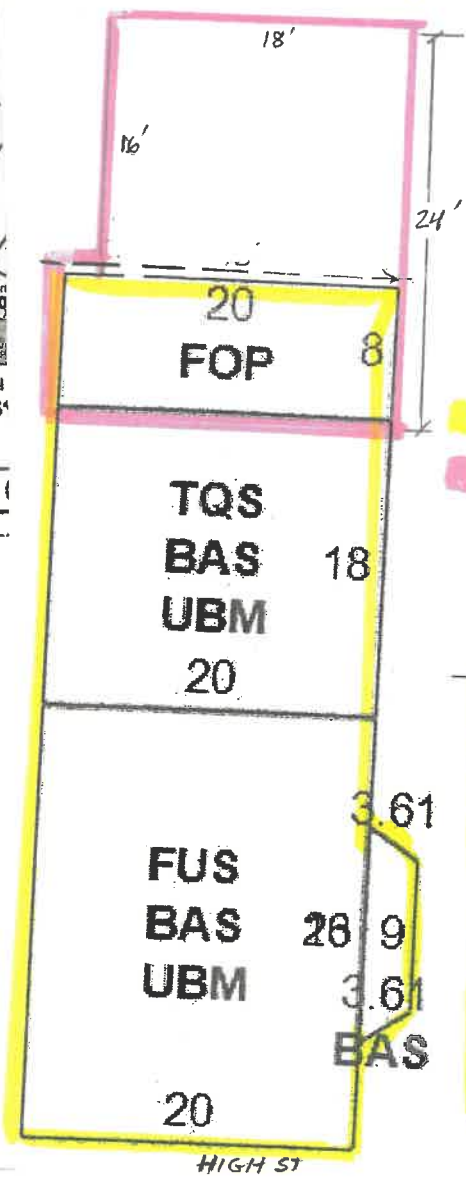
**For Use by the Development Review Board**

Application # 24-36 RECEIVED ON 10/21/24

Fee Paid: \$50 ZONING

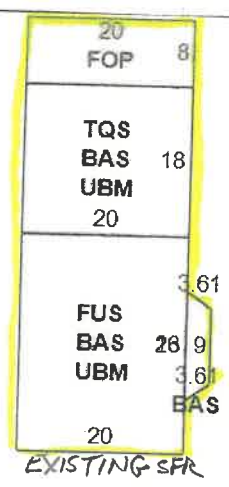
Notices Mailed to: 11/4/24

Hearing Date: WED NOV. 20, 2024, 7<sup>00</sup> PM, TOWN OFFICE



N/SAMUEL  
APPLICATION 24-36

- = EXISTING FLOOR PLAN
- = PROPOSED ADDITION



## Letter Details



**UVM Medical Center Neurology - S Prospect**  
**1 South Prospect St**  
**Burlington VT 05401**  
**Dept Phone: 802-847-4589**  
**Dept Fax: 802-847-2461**

October 16, 2024

To Whom It May Concern,

Kerri L. Samuel is under my care at the UVMHC Headache Clinic for a medical condition that can cause severe dizziness and increase her risk of falls. She asked that I write this letter and I fully support her request for an accommodation in the form of allowing her to have a space downstairs allowing for minimal use of stairs. The space will increase her safety and help to prevent hospital stays.

Thank you for considering this request.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,  
Allyson B Bazarsky, DO

Kerri L Samuel | MRN: 0015470578 | DOB: 7/1/1986  
The University of Vermont Medical Center | [www.uvmhealth.org](http://www.uvmhealth.org) | 844-uvm-health (886-4325)

*This letter was initially viewed by Kerri L Samuel at 10/16/2024 19:51.*

Variance Review – 24 V.S.A. §4469 – The Statute

- (A) [T]he board of adjustment or the development review board or the environmental division created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:
- (i) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
  - (ii) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (iii) Unnecessary hardship has not been created by the appellant.
  - (iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - (v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
- (C) In rendering a decision in favor of an appellant under this section, a board of adjustment or development review board or the environmental division may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect. – Added 2003, No. 115 (Adj. Sess.), § 106; amended 2009, No. 154 (Adj. Sess.), § 236.