

TOWN OF CLARENDON

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A Summary of Clarendon's Permit Process

Introduction:

Generally, a Town Zoning Permit is required whenever real property is used for commercial purposes, to construct a new structure (including signs, sheds, decks, cell towers, etc.), alter or expand the site or use of an existing structure, subdivide, or excavate earthen materials.

Other local permits may be necessary that are not addressed through the Zoning Officer. Some common examples would include a driveway access permit (Highway Foreman at Select Board), moving a mobile home (Clerk & Listers), or a public event (Select Board)

Please check with the town before you start a project, to determine what local permits may be involved. A Town Permit does not release you from obtaining any other municipal, state or federal approvals that may be needed. For additional information, contact Vermont's Permit Assistance Specialist; Rick Oberkirch, (802) 282-6488, or e-mail Rick.Oberkirch@Vermont.Gov.

Review of an application:

The **Zoning Administrator (ZA)** is the first person to contact. The ZA provides advice on the rules, assists with the application forms and plot plans, and outlines the process. I am here as your resource person to answer questions regarding zoning regulations and the application process. Feel free to contact me at any time before or during the process. The ZA authority is generally limited to residential or accessory structure projects, non-commercial subdivisions and agricultural construction notices. Other types of construction or use would be reviewed by the ZA, who then may have to refer the application to the Planning Committee, Zoning Board of Appeals or department official.

The **Planning Commission (PC)** addresses all required (mostly commercial Site Plan Reviews, Right of Way access, Planned Unit Developments, and amendments to the zoning rules,

The **BOARD of ZONING ADJUSTMENT (BZA)** hears appeals of a Zoning Administrator decision; Conditional Use & Variance issues; applications that involve flood plains, nonconforming structures or uses; and Planned Unit Developments.

There also may be State or Federal reviews required. Typical examples include:

- When a project is within a FEMA mapped flood plain (Special Flood Hazard Area); and a River Management Specialist from the Agency of Natural Resources is consulted.
- Demolition of a structure requires a VT Department of Health Certificate, to document if the structure is clean of asbestos or other hazardous materials.
- VT Waste Water 8. Potable Water permit for new wells or septic systems, and for some subdivisions.
- New driveway (road cuts) on to VT state highways are regulated by VTRANS. Local building permits may not be issued (or new construction until a VTRANS #1111 permit is approved, & these may take time.

Many factors will impact the time required to obtain a permit:

- Lack of necessary or accurate information on the application.
- Statutory warning &/or appeal periods
- Third party reviews (VT waste water, State Subdivision, Flood plain, storm water, wetlands, etc.)

In most cases, permits are issued, denied, or referred to the PC or ZBA within 14 days of a **complete** application. If approved, VT statute requires a **15-day appeal period**, to allow an Interested Party to contest the permit. The permit is not effective until 15 days have lapsed without appeal; after which the project may start. Starting without an Effective Permit will (at the least) **DOUBLE** the Permit Fees, and may result in a Notice of Violation, with possible fines of \$200 per day of Violation and legal costs.

Planning Commission (PC) meets on the first (first and third Monday at each month; providing it has business to address, and Board of Zoning Adjustment (BZA) schedules meetings or Public Hearings when there is an application to consider. Reviews require a warning period and public notices. Applications that will involve these should be delivered to the ZA at least **21 days prior to a proposed hearing date**. Either board may extend the hearings to additional meetings, as necessary to collect information, testimony, or outside reviews.

Both boards have up to 45 days in which to render a decision. A decision may be further appealed to VT Environmental Court by an interested party, within 30 days of issue.

Town Permit Approvals do not release the Property Owner from obtaining all other VT and/or federal permits that may be required for your project. Town Permits may not be issued, or may be revoked, for failure to comply with these requirements.

Some examples where additional permits may be required:

- New Drive way access to public Highways; both Town or VT rules may apply
- Demolition or Renovation of older Structures; Lead or Asbestos inspection & removal
- Wastewater Disposal & Potable Water Supply Regulations
- Development or disturbance to Wetlands
- Fill, Excavation or any Development in a FEMA Flood Plain
- Sale, efficient, and preservation of navigable airspace (FFA Rule/ACFR 77.13)
- Compliance with VT Energy Building Energy Standards
- VT Land Use Regulations (Act 250)

The Town Application:

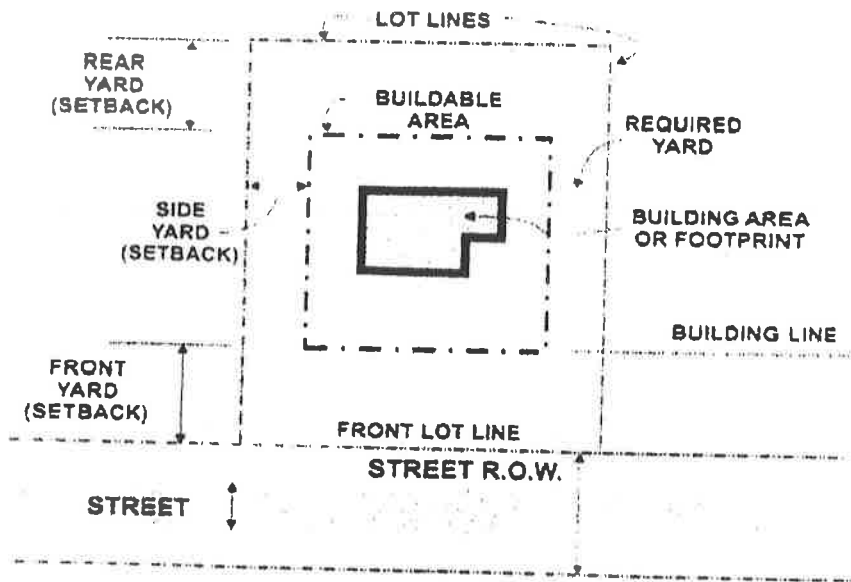
This is a general-purpose form. If a section of the form does not seem to apply to your project, or you do not have the information, simply leave it blank and I will contact you if additional information is necessary. Add a cover letter to describe your proposed project in additional detail if you wish. Submit the completed application and the fee to the Town Clerk. By statute, the ZA has up to 30 days review time from his receipt of a **complete** application; although this is usually a much shorter process.

Setbacks

The most common questions homeowners have involve required setbacks. Setbacks are the distance from the property lines to any structure or site improvement and are measured from the closest point to the line. Because these are minimum distances, it is critical that you locate your property lines accurately and measure carefully. Front setbacks are measured from the edge of the right of way, for town roads that is typically 24' 6" from the center line of the road. State right of ways may be larger, contact VTRANS if you live on a state highway. Again, if you have questions, I am available to help.

Note: a site plan is a required part of every application; unless there is not going to be any expansion to the existing structure. All applications must include a site plan indicating front side and rear setbacks.

EXAMPLE:



District	Min Lot Size	Minimum Setback			Min Lot Depth	Min Lot Frontage	Max Building Coverage	Maximum Building Height **
		Front *	Rear	Side				
ARR	40,000 sq ft	40 ft	30 ft	20 ft	150 ft	125 ft	20 percent	3 stories or 35 ft
RC	40,000 sq ft	40 ft	30 ft	20 ft	150 ft	125 ft	35 Percent	3 stories or 35 ft
CI	40,000 sq ft	40 ft	30 ft	20 ft	150 ft	125 ft	50 percent	3 stories or 35 ft
CON	40,000 sq ft	40 ft	30 ft	20 ft	150 ft	125 ft	20 Percent	3 stories or 35 ft

Rights-Of-Way are assumed to be 49.5 feet minimum.

*Front setbacks are measured from edge of road right of way

**Max building height greater than 35 but less than 50 feet subject to conditional use

Application Fees: Fee Schedule

The Town Select Board sets the schedule of Fees; which must be paid in full with the submission of the application. Checks, made to the Town of Clarendon, are preferred over cash fee payments. The application payment will usually be held until the ZA has had an opportunity to review the application to determine completeness. Once the application is processed, it may not be withdrawn without forfeiture of the fee. Any future applications will require a new fee. As of 7/1/2015, the VT legislature required all subdivisions and boundary line adjustments to have a VT licensed surveyor signed mylar site plan recorded in Town Records.

Recording Fees

Memorandum of Municipal Actions, VT Waste Water permits, etc.	\$15.00
Survey Mylars	\$25.00/sheet

Residential

Structures used as living quarters for a family, or multiple families with separate entrance, cooking and toilet facilities for each dwelling unit. Includes Accessory Structures attached or detached structures including but not limited box-type trailers or vehicles lacking valid DMV registration and inspection certificates, shipping-type containers, garages, sheds, decks, porches, or swimming pools. Structures such as fences or walls that do not obstruct rights of way or traffic visibly are exempt from a permit requirement	\$50.00 plus \$0.02 per square ft.
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Commercial

Home Occupation includes one sign.	\$50.00
Commercial includes one new sign per business	\$150.00
Commercial Signs not included above	\$10.00

Change of Use a proposed use that is different than the existing use, as identified in Article III Section 305 (Table of Uses). A change of Use may need review by the Planning Commission or Board of Zoning Adjustment, upon referral of the ZA.	\$50.00
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Appeals of /ZA decisions, conditional use review, commercial applications, site reviews, flood hazard or variance issues, etc. to the Planning Commission or Board of Zoning Adjustment)

Initial Hearing	\$150.00
Notice and Continued Hearings if required	\$50.00

LETTER of OPINION OF ZONING COMPLIANCE from the ZONING ADMINISTRATOR:

Option 1: An emailed request to the ZA to research town records for any known Notice of Violations of a specific residential will usually be addressed within two weeks, and a reply emailed. This minimal research is not to be considered a formal ZA Opinion There is no fee.

Option 2: A formal Letter of Opinion by the ZA needs to be requested in writing, detailing any specific issues of concern, and include a payment of \$50.00 for Residential Property, and \$100.00 for Commercial Property. This level of ZA research will include two hours of ZA time and an exterior Site Inspection. The Letter of Request should include granting the ZA permission to enter exterior of subject property, Additional review time required or requested shall be invoiced at \$25 hour, along with other legal or processing expenses that may be incurred by the Town. This opinion will not include any State or Federal permit issues that may apply to subject property.

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Note: Application is not complete without a site plan and paid application fee. (See Attached).

Date Received by ZA _____ Application Number _____

Name of Applicant(s) _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number (_____) _____ E-Mail _____

Property Owner (If different) _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number (_____) _____ E-Mail _____

Property Description

911 Address _____

Deed Reference _____ Book _____ Grand List ID _____

Zoning District _____ Acreage _____

Proposed Improvements

Proposed Use

Applicant/Owner _____ Application# _____

For New Construction Only

Building/Addition Width _____ Depth _____ Height _____

Setbacks (Viewed from Road) Front _____ Back _____ R Side _____ L Side _____

If Required:

VT Waste Water Permit _____ Subdivision Permit _____

Driveway Permit _____

I certify that the above information is true, accurate and complete. I understand that I must abide by all state and local laws and ordinances, and am responsible for obtaining any state required permits. (Contact the Vermont Permit Assistance Specialist at (802) 282-6488 or Rick.Oberkirch@Vermont.Gov for assistance.) I will complete the proposed development in substantial compliance with this application.

Signature of Applicant _____

Signature of Owner (if different) _____

For Town Use

Returned for Completion/Correction Date _____ Fee Paid \$ _____

Date received completed application _____ Site Visit Date _____

Approved _____ Denied _____ Date _____ Appealed Date _____

Referred to Board of Zoning Adjustment Date: _____

Reason for Referral _____

Zoning Administrator _____ Date _____

Hearing Date _____ Warned (Paper and Date) _____

Abutters Notified _____

Hearing Decision _____

Appeal to VT Environmental Court _____ Final Status _____