

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**FINDINGS OF FACT & CONCLUSIONS OF LAW**

**IN RE: Richard & Jodie Kirsch  
55 Washburn Avenue  
Briar Cliff Manor, NY 10510**

**Z-03-126 (RHOD)**

**C: Sam Scofield, Architect  
P.O. Box 773  
Stowe, Vermont 05672**

**PROCEDURAL HISTORY:**

The Zoning Administrator received this application for an addition to a single-family dwelling within the Ridgeline and Hillside Overlay District on August 4, 2003. Pursuant to the requirements of Section 16 of the Zoning Ordinance, the application was referred to the Development Review Board for action. The application was ruled complete, warned in the Stowe Reporter, and posted on September 5, 2003. A public hearing was held on September 16, 2003. This decision was rendered by the Board on October 7, 2003.

**FINDINGS OF FACT & CONCLUSIONS OF LAW:** During its review of this application, the Board made the following Findings of Fact:

1. Richard & Jodie Kirsch own lot 47 of the Robinson Springs Subdivision located within the RR-5 and the Ridgeline and Hillside Overlay District (RHOD).
2. The applicant proposes to construct a new single-family dwelling with an attached garage on the property. An application for a permitted use permit was submitted to the Zoning Administrator on August 4, 2003. The proposed construction requires the prior review and approval of the Development Review Board (Board) pursuant to the standards established in Section 16 of the Town of Stowe Zoning Regulations (last revised June 13, 2002).
3. Pursuant to Section 16.4(1)(B) of the Stowe Zoning Regulations, the Board must determine whether this application is "minor" or "significant". Upon review of the application, the Board determined that this application should be treated as "minor" as defined by Section 16(4)(1)(C) of the Ordinance. This determination is based upon the improbability that improvements and construction on this lot will be visible from any significant public vantage point.
4. At the time of this review, the site is a vacant building lot. In previous years, the driveway was installed, and the house site roughly cleared in a manner typical of residential subdivisions. Further clearing will be required to build a home, and the applicant will be required to present a plan showing the limits of the proposed clearing before a permit can be issued.
5. The lot is at approximately 1670' in elevation, with the land behind it continuing to rise up to the top of the hillside. The lot is sloping and has a northerly aspect with views to Mt. Mansfield. The lot does not appear to be visible from any known significant public vantage point.

6. The home is located in an existing neighborhood, developed prior to the adoption of the Ridgeline and Hillside Overlay District.
7. Architectural plans for the site and building been filed with the Development Review Board and were reviewed as part of this application. The applicant also reviewed the plans for exterior colors and materials with the Board.

### **DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law,, the Board took the following action in re: **Z-03-126 (Richard & Jodie Kirsch)**:

A motion was made by Mr. Aumand and seconded by Mr. Brink to approve the application with the following conditions:

1. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.
2. This application is approved pursuant to the plans and specifications admitted into evidence. The project shall be completed in a manner consistent with the Board's findings and conclusions and the approved plans and specifications.
3. The applicant shall, prior to the issuance of a Zoning Permit, submit a revised site plan showing the proposed limits of tree clearing on the site.
4. Within 60 days of this decision, the applicant shall submit sample building materials, including colors, for the DRB to review, including siding, roofing, exterior lighting.
5. All lighting installed at this site shall conform to the Town of Stowe Zoning Ordinance, and shall at a minimum shall meet the following requirements:

Outdoor: All exterior lighting on the property shall be installed and operated in accordance with the requirements of Section 4.4 of the Zoning Ordinance. All lighting fixtures shall be of a design which prevents the light source, directly or indirectly, from being apparent beyond the area being illuminated, and all light fixtures shall be shielded and/or aimed so that they do not cast direct illumination or cause glare beyond the property boundary. In no instance shall the installation or operation of the lighting approved herein cause the source of illumination to be visible from a public roadway or from a neighboring property.

Interior: Interior lighting and the lighting of entryways, signs, or similar features, shall be done in a manner which prevents the light source from being visible from a public roadway or a neighboring property, nor shall it illuminate or cause glare beyond the property boundary.

The Zoning Administrator will not issue a Certificate of Occupancy for the construction approved herein until such time as all of the outdoor lighting has been installed, and has been inspected during the evening hours for compliance with these requirements.

Voting in favor: Mr. Aumand, Mr. Beddow, Mr. Brink, Mr. Coppock, Mr. Izzo, & Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: None. (Note: There is one vacancy on the Board at this time).

The motion carries, the application is approved.

Dated at Stowe, Vermont this the 7<sup>th</sup> day of October, 2003.

By: \_\_\_\_\_  
Allan J. Coppock, Chairman  
Stowe Development Review Board

Any interested person may appeal this decision to the Vermont Environmental Court within thirty days in accordance with 24 V.S.A. S 4471.

The foregoing represents the decision of the Development Review Board, and is NOT a permit. A zoning permit will not be issued by the Administrative Officer until all necessary approvals have been obtained and a survey has been filed with the Stowe Town Clerk. Commencement of the activities described within this decision without a valid permit constitutes a violation of the Stowe Zoning Regulations as provided in Section 23.4.