

**TOWN OF POMFRET  
Zoning Board of Adjustment**

**Application for Variance**

**Minutes, Findings and Decision**

In re: Carmen Noradunghian  
Application #ZP19-18

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a variance submitted by Carmen Noradunghian under the Pomfret Zoning Ordinance.
2. The application was received by the Administrative Officer on August 19, 2019.
3. On August 29, 2019, notice of a public hearing was published in the Vermont Standard.
4. On August 26, 2019, notice of a public hearing was posted at the following places:
  - Town Clerk's Office
  - North Pomfret Post Office
  - Teago General Store
5. A copy of the notice of a public hearing was mailed by the Administrative Officer to the following owners of properties adjoining the property subject to the application:
  - Christopher D. Ambrose
  - Gregory D. & Meghann G. Carroll
  - Robert W. Hatfield & Elizabeth B Estabrook
  - Jillson Thelma Trste-2003 IV Trst AGR of Thelma Jillson

**HEARING**

6. Application #ZP19-18 by Carmen Noradunghiasn is for a variance of applicable setback requirements for a shed to be placed on parcel #0221 at 474 Stage Road, South Pomfret.
7. The application was considered by the Zoning Board of Adjustment at a public hearing on September 17, 2019 at 6:30pm following a site visit at 5:15pm
8. Present at the site visit were the following members of the Zoning Board of Adjustment (ZBA): Alan Blackmer (Chair), Michael Reese, Shaun Pickett, Loie Havill and Benjamin

Brickner. Also present were Karen Hewitt (Zoning Administrator), Carmen Noradunghian (Applicant), James Havill and Robert Hatfield.

9. Present at the hearing were the following members of the ZBA: Alan Blackmer (Chair), Michael Reese, Shaun Pickett, Loie Havill and Benjamin Brickner. Also present were Karen Hewitt (Zoning Administrator and Clerk for the ZBA), Carmen Noradunghian (Applicant), Sandra Simmons (Interested Person), James Havill, Sharlene Kelly, Jacob Kelly, Marie Cross, Emily Grube, and John Moore.
10. At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. Sandra Simmons was sworn in as an interested person.
11. The subject property is a 0.25± acre parcel located at 474 Stage Road in the Town of Pomfret (parcel ID #0221).
12. The application requires review under section 7.4 of the Pomfret Zoning Ordinance. The ZBA is authorized to decide on this application under section 11.2.2 of the Pomfret Zoning Ordinance.
13. During the course of the hearing the following testimony was heard from Carmen Noradunghian, the applicant; and Sandra Simmons. Carmen Noradunghian and Sandra Simmons were sworn in.
  - The shed will be approximately sixteen (16) feet wide and eight (8) feet deep.
  - The shed will be located such that its closet point will come to approximately sixteen (16) feet from the adjacent property line (parcel ID# 0219)
  - Carmen bought the house 5 years ago and put in a prepared pad for a garage, then decided to put in a shed for storage.
  - The shed will be backed into the bank as detailed on the photographs submitted with the application.
  - Sandra Simmons stated that she wants to make sure the shed doesn't encroach on her property, but otherwise has no issue with the shed itself.
14. Alan Blackmer made a motion that the hearing be closed to testimony. Michael Reese so moved. Benjamin Brickner seconded the motion. The hearing closed at 6:41pm. The ZBA went into deliberation session thereafter.

## FINDINGS

Based on the application, testimony, site visit, and public hearing testimony the ZBA makes the following findings with regard to application #ZP19-18 under section 11.4 of the Pomfret Zoning Ordinance:

15. All Procedural steps leading to the decision herein were properly taken, including notification of adjoining property owners.
16. Pursuant to section 7.4 of the Pomfret Zoning Ordinance, a variance is required to place any part of a building or structure closer than 40 feet to a side property line, as is proposed in application #ZP19-18.
17. Before granting a variance, the ZBA must make certain findings, as more particularly described in 24 V.S.A. 4469(a) and Section 11.3 of the Pomfret Zoning Ordinance.
18. The ZBA has made the findings required by 24 V.S.A. 4469(a) and Section 11.4 of the Pomfret Zoning Ordinance with respect to application #ZP19-18.

## DECISION AND CONDITIONS


Based upon these Findings, the ZBA **grants** a variance for application #ZP19-18 by Carmen Nordunghian on parcel #0221 at 474 Stage Road.

Applicant's proposed uses shall conform to its submissions, plans and representations, including those described in the Minutes and these Findings and Decision, except as modified by the conditions provided for in this Decision. In particular:

1. Applicant shall not place any part of the proposed shed closer than 16 feet to a side property line, nor any part of any other building or structure closer than 40 feet to a side property line.
2. The Pomfret Zoning Ordinance shall apply to application #ZP19-18 in all respects, except as provided in this Decision.

The Decision of the ZBA regards only the application for the activities referenced herein on the subject parcel. The conformity of any other uses or activities on Applicant's property was not considered or addressed in this Decision.

These Minutes, Findings and Decision approved at Pomfret, Vermont, this 30 day of September, 2019.

  
Alan Blackmer, Chair, Zoning Board of Adjustment

Members Alan Blackmer, Benjamin Brickner, Michael Reese, Loie Havill and Shaun Pickett voted in the affirmative.

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.