

Staff Report  Zoning and Land Regulation Committee Questions? Contact: Majid Allan: 267-2536	Public Hearing: August 25, 2020	Petition 11573
	Zoning Amendment Requested: FP-35 Farmland Preservation District TO RR-2 Rural Residential District	Town/Section: RUTLAND, Section 36
	Size: 2 Acres	Survey Required. Yes
	Reason for the request: Creating one residential lot	
		Address: 49 DANKS ROAD



DESCRIPTION: Applicant proposes to divide the existing ~40 acre parcel to create a new 2 acre RR-2 Rural Residential parcel for future development.

OBSERVATIONS: Existing land uses on the ~40 acre property are rural residential and agriculture/open space. Surrounding land uses are rural residential and agriculture/open space. No sensitive environmental features observed. Applicants operate a small limited family business (artist studio) out of an accessory building on a ~3 acre area of the property that’s zoned RR-2, which also includes their residence.

The applicant’s surveyor has disclosed that, after subtracting the existing 3 acre RR-2 zoned area and the proposed 2 acre RR-2 parcel, the owner’s remaining FP-35 zoned acreage will fall below that district’s minimum 35 acre minimum lot size. The applicant is requesting an amendment to the petition that would shrink the size of proposed new parcel to approximately 1.6 acres, with a zoning classification of RR-1. See staff recommended condition, below.

TOWN PLAN: The property is located in the town’s agricultural preservation area. New nonfarm development limited to 1 lot or nonfarm use per 35 acres owned as of 6/7/1978.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: As indicated on the attached density study report, the property remains eligible for one density unit / “split”. The applicant’s existing residence located at 49 Danks Road counts as the other permitted density unit. The proposed new Rural Residential lot would exhaust the splits on the ~40 acre property. The proposal appears reasonably consistent with town plan policies. Staff recommends approval with the following conditions:

1. Amend the zoning district designation from RR-2 to RR-1 and reduce the proposed rezone area from 2 net acres to approximately 1.6 net acres. The applicant's surveyor shall confirm that the balance of the owner's FP-35 zoned land will meet the minimum 35 acre lot size requirement for that zoning category.
2. The landowner shall record a deed restriction on the balance of the FP-35 zoned property prohibiting further nonfarm development in accordance with town plan policies (tax parcels 051036488702; 051036481807; and 051036495007). A suitable legal description of the property shall be provided by the surveyor.

TOWN: Approved with conditions (incorporated in staff conditions, above).