

Conditional Use Hearing  
Henry I. Brown III  
October 10, 2013

*To consider a conditional use application by Henry I. Brown to rebuild a non-conforming accessory structure on its present footprint at 135 Craftsbury Rd.*

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law, 2.5 Lakeshore District; 3.8 Nonconformities; 3.9 Protection of Water Resources; and 5.4 Conditional Uses.

**Warnings** were posted on September 19, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to Henry Brown, applicant; and the following abutters: David and Margaret Altman; Francis Yokana; Luanne Murray et. al. c/o Laurie Petto; James Cook; and Ida Perron. It was published in the Hardwick Gazette on Wednesday, September 25, 2013.

**Development Review Board members present:** Bud Harvey, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff and Wayne Young

**Others present:** Dick Alexander, contractor; and Kristen Leahy, zoning administrator

**Correspondence** from interested persons: none

### **Summary of Discussion**

Ms. Woodruff began the hearing at 7:02 PM. She noted that the hearing was semi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. She then asked Mr. Alexander to explain the proposed plan for the accessory structure. Mr. Alexander explained that this accessory structure has been deteriorating for years because it's original construction was not done properly. The floor of the foundation is sand and constantly damp, if not wet, and the foundation's walls have heaved and cracked over the years causing them to cave inward. Moisture has gotten into the upstairs as well and the beams, walls and window frames are all rotting. The cost of renovation would be prohibitive. Therefore, Mr. Brown would like to tear down the present structure and replicate it on the same footprint. A GPS system would be used to ensure the proposed structure was in the exact position as the present one. Mr. Alexander would put in a proper foundation and re-grade the land so the water would drain away from the building. To do this he would raise the structure slightly, but it would still meet the height requirements. He would salvage the hardwood flooring, paneling and other reusable structural items to use in the new building. The chimney would be demolished and not be replaced. During construction barriers would be used to protect the lake from run-off.

The building is 14ft. 9in. from the right side line and about 7in. from the left side line. It is about 10ft. from the lake. Presently, the downstairs is one large room with a sand floor used to store boats. It also has a small mechanical room. Upstairs there is a large open room with a small kitchen and bathroom.

The Board went into deliberative session at 7:25 and came back into public session to announce their decision at 7:46.

### **Findings:**

#### **2.5 Lakeshore District**

This proposed structure does not conform to the criteria of the lakeshore district, but it will replicate a pre-existing, non-conforming structure and thus is grandfathered.

#### **3.8 Nonconformities**

1. The structure will not be moved, extended, or enlarged so the existing degree of non-conformance will not increase

2. The reconstruction will not increase the degree of non-conformance of the original structure.
3. The degree of non-conformance will not be increased.
4. The footprint will not be expanded.
5. The proposed new structure will not change the degree of non-conformance.
6. The dimensions of the present structure will not be altered or expanded.

The proposed structure replicates a pre-existing, non-conforming structure and is grandfathered.

### 3.9 Protection of Water Resources

The proposed structure replicates a pre-existing, non-conforming structure and thus will not change the degree of non-conformance.

### 5.4 Conditional Use Review

B) The proposed rebuilding of the structure would not have an adverse effect on:

1. the capacity of existing or planned community facilities.
2. the character of the area.
3. traffic in the vicinity.
4. by-laws and ordinances presently in effect.
5. the utilization of renewable energy resources.

C) Specific Standards:

1. The lot meets the minimum lot size.
2. The accessory structure does not meet the setback requirements, but is grandfathered.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The structure is compatible with other structures in the area.
6. The structure does not adhere to the conditional uses allowed in the Lakeshore District, but is grandfathered
7. The structure will not affect the noise or create air pollution in the area.

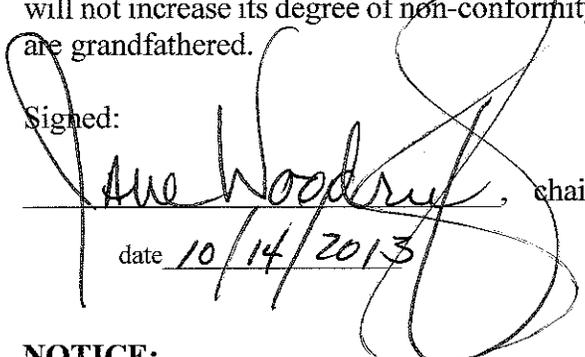
Rebuilding the accessory structure is grandfathered since it will be rebuilt on the existing, non-conforming footprint of the present structure.

### Decision and Conditions

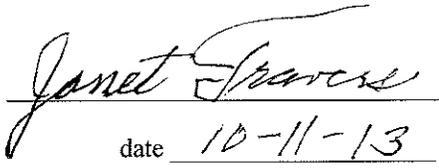
Based upon these findings, the Development Review Board voted unanimously to approve this conditional use application.

Rebuilding the structure on its present footprint with the same dimensions and look as the present structure will not increase its degree of non-conformity. The non-conformities of the proposed accessory structure are grandfathered.

Signed:

  
Avo Woodruff, chair

date 10/14/2013

  
Janet Francis, clerk

date 10-11-13

### NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made 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.