

Conditional Use Hearing
Fred Carter
February 20, 2014

To consider a conditional use application by Fred Carter to replace a non-conforming house and garage within the Caspian Lake setback at 14 Winnimere Circle and to consider a request for a variance to slightly alter the footprint of one or both buildings.

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; 5.4 Conditional Uses and 5.5 Variances.

Warnings were posted on February 4, 2014 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to Fred Carter, applicant; Neil Husher of Vermont Architects Collaborative; and the following abutters: William Rowell; Linda Wyles and Richard Byers; John and Constance Robb; Alison Anand; and Norman Akley and Nancy Henderson. It was published in the Hardwick Gazette on Wednesday, February 5, 2014.

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

Others present: Fred Carter, applicant; Neil Husher, architect; and Kristen Leahy, zoning administrator

Correspondence from interested persons: a letter from Bill Rowell

During the course of the hearing the following exhibit was submitted to the Development Review Board:

- #1 A letter from an abutter, Bill Rowell, stating that he had a concern about the cedar hedge on the property line being harmed in the construction process for the garage but is not opposed to the project.

This exhibit is available at the Greensboro Town Clerk's office.

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. Husher to explain the proposed plan. He began by talking about the garage. They would like to tear down the existing garage and rebuild it, removing the ell, or projection, at the back and replacing it with a rectangular structure. In so doing, the garage would end up slightly farther away from the property line than the existing structure but still leave them space for parking in front of the structure. He doesn't think construction of the garage will damage the cedars but if it does, they would replace the damaged trees. The existing garage is about 2 or 2½ feet from the property line and is about 10 feet high. They would like to add a storage loft in the proposed garage which would increase the height to about 15 feet. The foundation of the proposed garage would be a frost wall with a concrete slab.

Mr. Husher then went on to talk about the house which is in "tough shape". Most of the windows have been removed because they were rotted and only the storm windows remain. The plumbing and electric lines are also old and need to be replaced. Since they had to do those things, among others, they decided it was more efficient to tear down the existing house and replace it with a new structure. The proposed new structure will be built in the same footprint as the existing one. They will not be adding any more bedrooms or bathrooms, but would like to add a second floor above the present one story kitchen to give them room to make the bedrooms a little larger. They would also like to make the roof of the new structure go in a north-south direction rather than the present east-west orientation so they can install solar panels on the roof. There will also be a low, partial basement for storage and utilities. The present roofed porch on the lake side of the house will have the same square footage but instead of being squared off, it will have a bow on the south side. The back deck will also have the same square footage as the existing one, but will be in a different shape. They plan to add a deck on the roof of the porch on the lake

side of the house. They will also add a stone dust path to get to the house to make it as handicapped accessible as possible. The house will be 30 feet tall; the same height as the existing one. The chimney would be higher than that, as is the existing, nonconforming chimney. They would like to extend the roof over the entrance door on the back (away from the lake). As part of the construction, three large cedar trees behind the house will be cut down and replaced by four smaller cedars. The trees are not in the vegetation buffer zone.

Findings:

2.5 Lakeshore District

The house, garage and lot do not meet the criteria for lot size or setbacks in the Lakeshore District but they are pre-existing. Both single family dwellings and accessory structures are permitted uses in the Lakeshore District.

3.8 Nonconformities

A) The house and garage are pre-existing, nonconforming structures.

1) Neither the house nor the garage will be moved, altered or enlarged in a manner that will increase the existing degree of nonconformance. The proposed garage will slightly decrease the degree of nonconformance.

2) Pre-existing structures may be reconstructed if they do not increase the degree of nonconformance.

3a) The footprint of the house will not be changed. The footprint of the proposed garage will be slightly altered. It will have the same square footage as the existing building and will slightly decrease the degree of nonconformance.

b) The height of the proposed house and chimney will remain the same. The proposed garage will be about five feet taller than the present garage. Its height is within the Lakeshore District standards.

c) The deck and porch retain the same square footage.

d) There is ample parking.

4) The footprint of the house and garage will not be expanded. The footprint of the garage will be altered, but have the same square footage as the existing structure. The footprint of the house will be unchanged.

5) The reconstruction does not alter the degree of nonconformance of the existing structures.

6) The chimney of the proposed structure will not be higher than the existing, nonconforming chimney it is replacing. Fire code states that a chimney should be two feet taller than the ridge line of a structure.

3.9 Protection of Water Resources

The reconstruction of the house and garage replaces pre-existing, nonconforming structures and does not increase the degree of nonconformity. The paths will be topped with permeable stone dust.

The vegetation along the lake will remain as is; untouched except for normal maintenance. No trees will be cut in the vegetation buffer of the lake.

5.4 Conditional Uses

B) Rebuilding the house and garage 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 is a pre-existing, nonconforming lot.
2. The house and garage will replace pre-existing, nonconforming structures. Their reconstruction will not increase the degree of nonconformity.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The house and garage are compatible with other structures in the area.
6. The structures adhere to the conditional uses allowed in the Lakeshore District.
7. The house and garage will not affect the noise or create air pollution in the area.

Rebuilding the existing, non-conforming house and garage will not increase the degree of nonconformity of either structure. Neither footprint will be moved or enlarged. The footprint of the garage will be altered slightly, but retain the same square footage as the existing building and be slightly less nonconforming. The footprint of the house remains unchanged.

5.5 Variances

- 1 – 3 The proposed garage will replace an existing, nonconforming structure.
4. a) The proposed garage will not alter the essential character of the area. The structure is located in an area of seasonal camps, many with storage sheds or garages. The camps are on small lots and located close together. b) The proposed garage will not impair the use or development of adjacent property. It is in the same place as the existing garage. c) It will not reduce access to energy resources. d) Replacement of the garage will not be detrimental to the public welfare.
5. The proposed garage will replace a pre-existing, nonconforming garage. The footprint will be altered only slightly, have the same square footage, and will not increase the degree of nonconformance.

The proposed garage will replace a pre-existing, nonconforming garage. The footprint of the existing structure will be altered slightly, but will maintain the same square footage as the present garage. The reconstruction will allow better use of the area and be aesthetically more pleasing by removing the small projection in the back wall and creating a rectangular structure with the same total area.

Decision and Conditions

Based upon these findings, (and subject to the condition set forth below), the Development Review Board voted unanimously to approve the conditional use applications for the house and the garage.

Based upon these findings, (and subject to the condition set forth below), the Development Review Board voted unanimously to approve the variance application for the garage.

Rebuilding the present non-conforming house and garage will not increase the degree of their nonconformity. Neither footprint will be moved or enlarged. The footprint of the garage will be altered slightly, will have the same square footage as the existing structure, and be less nonconforming. The footprint of the house remains unchanged.

This approval is subject to the following conditions:

1. The chimney may not be higher than the existing, nonconforming chimney. The proposed chimney is permitted because it is replacing a nonconforming chimney.
2. The existing structures may not be torn down or construction begun until the exact location of the buildings, in reference to the lot lines and set-backs, is given to the zoning administrator.

Signed:

Ane Woodruff, chair

date

2/24/2014

Janet Farnsworth, clerk

date

2-22-'14

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.