

Conditional Use/ Variance Hearing
Susan Cross
May 15, 2013

To consider a conditional use permit by Susan Cross to move most of a boathouse within the 150 foot buffer zone of Caspian Lake.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Laws 2.5 Lakeshore District, 3.8 Nonconformities, 3.9 Protection of Water Resources, 5.4 Conditional Use and/or 5.5 Variances.

Warnings were posted on April 24, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office and sent to the applicant, Susan Cross and the following abutters: Christine Cano and Cynthia Myers, Neal and Alice VanWyck, and Margaret Bascom and Allen, Brian and Steven Hale. It was published in the Hardwick Gazette on Wednesday, May 1, 2013.

Zoning Board members present: Nat Smith, Linda Romans, Sean Thomson, Janet Travers, Jane Woodruff and Wayne Young

Others present: Christine Cano, abutter; and Kristen Leahy, zoning administrator;

Summary of Discussion

Ms. Woodruff began the hearing at 7:19 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. In the absence of the applicant, Ms. Woodruff explained the proposed plan as understood from the application. Ms. Cross would like to tear down the present boathouse and build another farther away from the lake and out of her view. She will leave enough of the old boathouse standing to gain the square footage for a small pump house. (The pump is in the present boathouse.) The Board had questions about the proposed deck on the boathouse. There is one on the present boathouse. Decks are not part of the footprint. Ms. Cano, an abutter, stated that the deck on the present boathouse was added by the previous owner and she believes that it was supposed to be temporary and taken in each winter. The Board had questions about the number of windows and the foundation as well as the deck so they made a conference call to Ms. Cross. In that call Ms. Cross stated that the present boathouse would be torn down. They would use new structural timbers and reuse as much of the old wood as possible. She added that they have now decided to tear down the entire boathouse and rebuild it the same size as it is now (14 feet x 20 feet). They would relocate the pump under the camp. Ms. Cross stated the architect put eight windows in the design but they would not have that many in the actual structure. There would probably be only one or two on each side. The boathouse would be built on posts with a wooden floor. The deck was a place to sit that was closer to the lake than the camp. The deck would be approximately 8 or 10 feet by 16 or 18 feet as it is in the present structure. There is electricity, but no plumbing in the present building and the same would be true of the proposed structure.

Findings:

3.8 A Nonconforming structures

A boathouse is an allowable structure within the 150 ft. buffer zone in the Lakeshore District. (2.5 Lakeshore District) The proposed boathouse will be built with the same dimensions as the present one and will be farther away from the lake. The deck would be rebuilt, but its existence is grandfathered.

3.9 Protection of Water Resources

#5 Boat houses

The proposed boathouse will have an area of 280 square feet, well below the allowed 400 square feet, and be one story high. It will have electricity but not plumbing. The placement of the boathouse will be well behind the high water line, won't require cutting any trees down, and storm water will be able to run beneath the structure since it will be on posts.

Conditional Use Review (5.4 pg. 30)

The Board considered the general and specific criteria for conditional uses in the Greensboro Zoning By-Laws (5.4 Conditional Uses, pg.30) and based on the application and exhibit the Zoning Board of Adjustment makes the following findings:

B) The proposed relocation and rebuilding of the boathouse 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 size in the Lakeshore District.
2. The proposed boathouse will meet the setback requirements from all lot lines.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The boathouse is compatible with other structures in the area.
6. The boathouse adheres to the conditional uses allowed in the Lakeshore District.
7. The boathouse will not affect the noise or create air pollution in the area.

Moving and rebuilding the boathouse meets all of the conditional use criteria.

Decision and Conditions

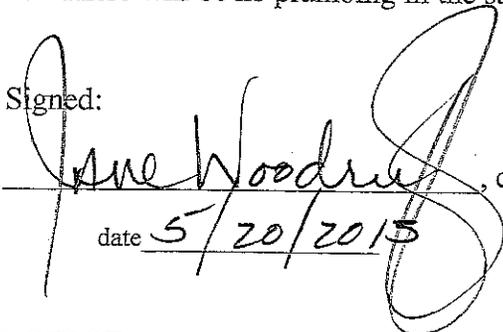
Based upon these findings, and subject to the conditions set forth below, the Development Review Board voted unanimously to approve this conditional use application.

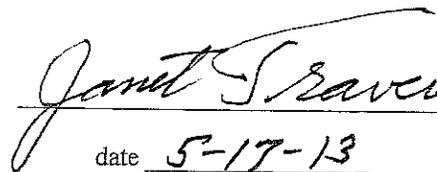
Moving the proposed boathouse further away from the lake is desirable and the footprint will not be enlarged.

This approval is subject to the following conditions:

1. The maximum height of the structure may not exceed 15 feet.
2. There will be no plumbing in the structure, although electricity is allowed.

Signed:


 _____, chair
 date 5/20/2015


 _____, clerk
 date 5-17-13

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 Zoning Board of Adjustment. 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.