

Conditional Use Hearing
Dawn Gustafson
September 18, 2013

To consider a conditional use application by Dawn Gustafson, to rebuild a non-conforming garage/shed in its present footprint and a possible variance for a slight alteration of the footprint:

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 August 29, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, sent to Dawn Gustafson, applicant; and the following abutters: Jeffrey Parker, et.al; New England Estates, LLC; and Chris Philips for the Ann S. Philips Trust. It was published in the Hardwick Gazette on Wednesday, September 4, 2013.

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

Others present: Dawn Gustafson, applicant; David Lane co-owner, Dennis Montgomery, contractor, and Jeff Parker, abutter.

Summary of Discussion

Ms. Woodruff began the hearing at 7:04 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 Ms. Gustafson to explain the proposed plan to rebuild a shed on their property. Ms. Gustafson explained that a large white pine tree fell on the roof of their shed during the strong storm on July 19th and essentially destroyed it. They want to tear down the damaged shed and rebuild it on the same footprint. The new structure will not have power, plumbing or windows. The old ice house (now used for storage) which is adjacent to the damaged shed also had some minor damage. It needs only minimal repair work so is not included in this conditional use application.

The Board went into deliberative session at 7:12. They came back into public session to announce their decision at 7:20.

Findings:

2.5 Lakeshore District

The proposed shed does not meet the requirements in the Lakeshore District. It is 14 feet from the right side line instead of the required 20 feet. It is 140 feet from the lake instead of the required 150 feet. It meets the height requirement and the distance from the left side line.

The proposed shed will be built on the existing footprint of a non-conforming structure and thus is grandfathered.

3.8 Nonconformities

- (A) 1 The proposed shed will not be moved or enlarged. It will remain on the present footprint.
- 2 The proposed shed will not increase the existing degree of non-conformance of the old shed.
- 3 The proposed shed will not increase the existing degree of non-conformance of the old shed.
- 4 The proposed shed will be built in the existing footprint.
- 5 N/A
- 6 N/A

3.9 Protection of Water Resources

- (C) 1. Although the proposed shed does not meet the setback distance from Caspian Lake, it will be built on the footprint of the existing structure and is grandfathered.
2. No brush or trees will be cut and no plantings made.

5.4 Conditional Use Review

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 Development Review Board makes the following findings:

B) The proposed rebuilding of the shed 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 size is grandfathered.
2. The proposed shed 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 proposed shed is compatible with other structures in the area.
6. The proposed shed is non-conforming, but grandfathered.
7. The proposed shed will not affect the noise or create air pollution in the area.

Rebuilding the grandfathered shed meets all of the conditional use criteria.

Decision and Conditions

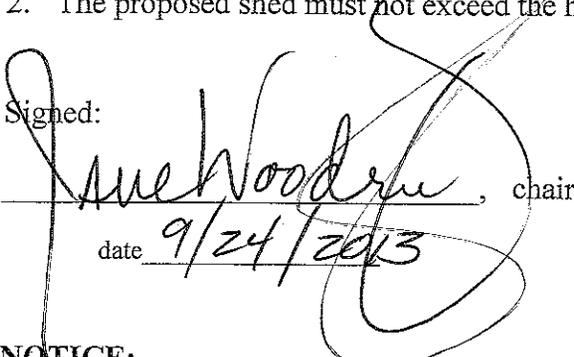
Based upon these findings, and subject to the conditions set forth below, the Development Review Board voted unanimously to approve this conditional use application.

The proposed shed will be built on the same non-conforming footprint as the existing shed and is grandfathered.

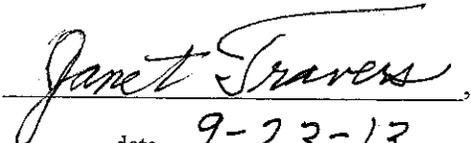
This approval is subject to the following conditions:

1. The proposed shed must be built on the existing footprint.
2. The proposed shed must not exceed the height of the existing shed.

Signed:

 chair

date 9/24/2013

 clerk

date 9-23-13

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.