

Conditional Use Hearing
Doug and Katie Jordan
July 29, 2013

To consider a conditional use application by Doug and Katie Jordan, to rebuild a non-conforming boathouse within Caspian Lake's buffer zone.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law, 2.5 Lakeshore District; 3.8 Nonconformities (A.2); 3.9 Protection of Water Resources; and 5.4 Conditional Uses.

Warnings were posted on July 5, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, sent to Doug and Katie Jordan, applicants; John Dernavich, applicants' representative, and the following abutters: James and Charlene Stevens; George and Cynthia Brady; and Ida Perron. It was published in the Hardwick Gazette on Wednesday, July 10, 2013.

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

Others present: John Dernavich, applicants' representative; James Stevens, abutter; Mr. and Mrs. Hale; and Kristen Leahy, zoning administrator.

During the course of the hearing the following exhibits were submitted to the Development Review Board:

- #1 Picture of the view of the lake from the house.
- #2 Picture of the East side of the boathouse.
- #3 Picture of the South and West sides of the boathouse.
- #4 Picture of the South and East sides of the boathouse.

These exhibits are available at the Greensboro Town Clerk's office.

Summary of Discussion

Ms. Woodruff began the hearing at 7:00 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.

Ms. Woodruff stated that this hearing was to consider rebuilding a boathouse on the same non-conforming footprint as the present one. Neither the present nor the proposed boathouse meets the sideline setback requirement on the North side.

Ms. Woodruff then asked Mr. Dernavich to explain the Jordan's proposed plan for the boathouse on their property at 763 Craftsbury Rd. Mr. Dernavich explained that the present boathouse was in disrepair and Mr. and Mrs. Jordan would like to tear it down and rebuild it on the same footprint. The house is going to be torn down and rebuilt soon so it seemed to be a good time to also tear down and rebuild the boathouse. The heavy equipment would already be there and there would be easy access to the boathouse area.

They would like to rebuild the boathouse exactly as it is now except for the addition of double doors on the East side instead of the present single door (Exhibit #2) and the probable elimination of the door facing the lake (Exhibit #3). When asked about the foundation, Mr. Dernavich said he would like to "float" the building, but will use concrete piles if the site requires it.

Mr. Stevens, the abutter on the North side, asked if the structure was really a boathouse if it was not used to store boats. It seemed to him to be more like a shed and therefore should be set back further from the lake. However, he had no real objections to the proposal, but would like the boathouse moved a couple of feet further from his lot line if possible. Referring to exhibit #1, Mr. Dernavich stated that moving the boathouse further from the lot line would interfere with the view of the lake from the house. If the new structure is required to be moved further from the side lot line, the Jordans would opt to repair the present boathouse as well as they can and leave it as is.

The Board went into deliberative session at 7:20. They came back into public session to announce their decision at 7:35.

Findings:

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, testimony, and exhibits the Development Review Board makes the following findings:

5.4

B) The proposed 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 size of the lot (.8 acres) is grandfathered.
2. The non-conforming placement of the boathouse is grandfathered.
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.

Rebuilding the boathouse meets all of the conditional use criteria.

Decision and Conditions

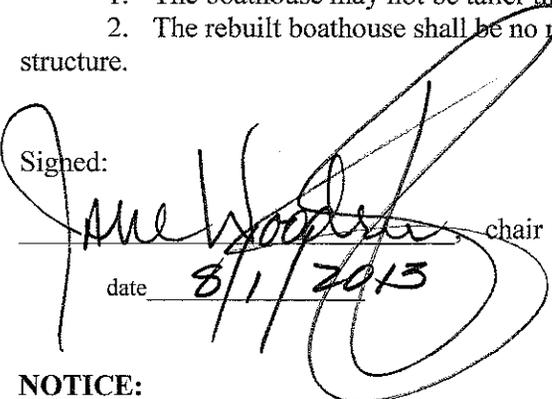
Based upon these findings, (and subject to the conditions set forth below), the Development Review Board voted unanimously to approve this conditional use application.

Although the boathouse does not meet the setback requirement from the North sideline of the lot, its placement will be the same as the present structure and thus is grandfathered.

This approval is subject to the following conditions:

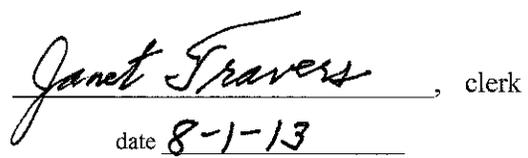
1. The boathouse may not be taller than 15 feet.
2. The rebuilt boathouse shall be no more non-conforming than the original non-conforming structure.

Signed:



date 8/1/2013

chair



date 8-1-13

clerk

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.