

Conditional Use and Variance Hearing
Doug and Katie Jordan
January 23, 2013

To consider a variance and a conditional permit by Doug and Katie Jordan for their camp located at 763 Craftsbury Road. They are asking for a conditional use permit to rebuild a non-conforming structure within Caspian Lake's 150 foot buffer zone. The variance permit is for a slight alteration of the footprint.

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; and 5.4 Conditional Uses. The variance requires a review under 5.5 Variances.

Warnings were posted at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office on December 19, 2012. On December 19, 2012, the warning was also sent to the applicants, Doug and Katie Jordan; their representative, John Dernavich; and the following abutters, James and Charleen Stevens; George and Cynthia Brady; and Ida Perron/Theodore Perron Estate. It was published in the Hardwick Gazette on Wednesday, January 9, 2013.

Zoning Board members present: Marsha Gadoury, Bud Harvey, Nat Smith, Linda Romans, Janet Travers, Jane Woodruff and Wayne Young

Others present: John Dernavich, applicant's representative; Kristen Leahy, zoning administrator; see sign-in sheet for others.

During the course of the hearing the following exhibit was submitted to the Zoning Board of Adjustment:

1. Letter from abutter, James Stevens

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

Summary of Discussion

Ms. Woodruff began the meeting at 7:02. She noted that the hearing was semi-judicial, explained the procedure of the hearing and had Ms. Travers swear in all who planned to speak at the hearing.

Mr. Jordan began by thanking the members of the zoning board for coming out on such a cold night.

Ms. Woodruff then asked Mr. Dernavich to explain the proposal. Mr. Dernavich said that the present camp would be torn down and replaced with a new building. They would like to make the present glassed-in porch, which has been used as a living area for many years, part of the proposed camp. For design purposes, they would also like to add about 2 feet to the street side of the present porch so it would not have a jog in it as it does now. The proposed camp would be about two feet shorter on the northwest side and a small kitchen area on the lake side of the present camp would be removed. The present porch/living area on the lake side would become a screened-in porch with an open stone terrace off of that.

Ms. Woodruff then asked for questions from the board. From these questions it was learned that: Mr. Dernavich is the builder/contractor, not the landowner, even though his name was entered in the landowner's portion of the application. The square footage of the jog on the street side that they want to take out is about 38 square feet and there is about 72 sq. ft. in the kitchen area that they want to remove. All together there will be more square feet taken from the footprint than added. The outdoor shower shown on the proposed plans will have a movable screen and is not a permanent fixture. The shower head will be mounted on the house. There will be a foundation, not posts as it has now. Since the area is so wet, the foundation will probably be just a 3 or 4 foot crawl space. The architect did not specify how high the camp would be, but he knows about the 30 foot height limit so the house will meet that requirement. The second floor has a cathedral ceiling on the lake side and the bedrooms are grouped around the street side of the area. Mr. Dernavich did not think runoff would be a problem toward the lake since the land is so flat, but it may be a problem on the brook side. If runoff is detected, a barrier will be erected to take care of the problem. The septic system will be sealed tanks that are pumped out. Mr. Dernavich did not know exactly how far the house is from the northwest side line, but thought it was probably between 20 and 24 feet.

Ms. Woodruff read the letter received from Mr. Stevens, abutter to the northwest. He was concerned about how close the camp was to his property line and asked that when they rebuild, the house be moved to comply with the present setback requirements. He was also concerned about the septic system since the proposed living area would be nearly doubled.

Anne Stevens added that she thought the proposal seemed fine.

Findings:

The board needed to consider this request because 3.8 A4b in the Greensboro By-Laws states that a conditional use permit is required for rebuilding a structure within 150 ft. of the lake. The conditional use permit is also needed to build on less than an acre of land, and because the proposed camp, although grandfathered, may violate the northwest sideline setback.

The Board considered the general and specific criteria for conditional uses in the Greensboro Zoning By-Laws (5.4 Conditional Uses, pg.27) and based on the application and exhibit the Zoning Board of Adjustment makes the following findings:

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

1. the capacity of existing or planned community facilities. The proposed camp will have no effect on community facilities.
2. the character of the area. The proposed camp will be in keeping with the other camps in the area.
3. traffic in the vicinity. The proposed camp will have no effect on traffic.
4. by-laws and ordinances presently in effect. Since the proposed camp is basically replacing the present structure, it will have no effect on the by-laws in effect.
5. the utilization of renewable energy resources. The proposed camp will have no effect on this.

C) Specific Standards:

1. The proposed camp will replace an existing camp on this lot and is grandfathered.
2. The proposed camp is less non-conforming than the existing one.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The proposed camp is compatible with other structures in the area.
6. The proposed camp is grandfathered and is less non-conforming than the existing one.
7. The proposed camp will not affect the noise or create air pollution in the area.

The placement of the proposed camp is grandfathered and will be less non-conforming than the present structure.

Variance Review (5.5 pg. 27 & 28)

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

Because the proposed camp is grandfathered, it does not need to meet the conditions set out in 5.5 A 1 through 4.

5. The total square footage of the footprint of the proposed camp is less than the present one and it will be further away from the northwest property line.

Decision and Conditions

Based upon these findings, (and subject to the conditions set forth below), the Zoning Board of Adjustment voted unanimously to approve the conditional use application.

Based upon these findings, (and subject to the conditions set forth below), the Zoning Board of Adjustment voted unanimously to approve the variance application.

The proposed structure will be built within the existing footprint except on the northwest side where it will be about two feet further away from the property line and there will be a slight extension on the road side. The extension on the road side was allowed because the resulting new footprint is less non-conforming than the original one.

This approval is subject to the following conditions:

1. The camp must be no more than 30 feet high.
2. The screened-in porch may not be glassed in for use as a living space.
3. Any basement area may be used only for utilities. It may not be a living space.

Signed:

Carne Woodruff chair
date Jan 26, 2013

Janet Travers clerk
date 1-25-13

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.