

Conditional Use and Variance Hearing

Donald Maynard

August 26, 2014

To consider a conditional use application by Donald Maynard for a Home Business and sign on his property at 615 Hill Road. There is also a variance request to erect a sign within the 50 ft. road setback.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Rural Lands District; 4.5 Home Business; 5.4 Conditional Uses; and 5.5 Variances.

Warnings were posted on July 24, 2014 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Smith's and Willey's stores. It was also sent to applicant, Donald Maynard; and the following abutters: Brian and Denise Hill; Shaun and Darrren Hill; Sharon Hill; Laura and Warren Hill III; the Baffin Family Trust; and the Nature Conservancy. It was published in the Hardwick Gazette on Wednesday, August 6, 2014.

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

Others present: Donald Maynard, applicant;

Correspondence from interested persons: none

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

Exhibit #1 a sketch of the proposed sign

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

Summary of Discussion

Ms. Woodruff began the hearing at 7:07 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 then asked Mr. Maynard to explain what he wanted to do on his property. Mr. Maynard stated that he wanted to create a home business in part of what is now his unattached garage. It would be a retail shop selling local crafts, pottery, and produce. He will also have an office over the garage which he will use for his existing business. He will be adding a 19 by 27 foot, open pavilion on the east side of the garage and will replace one garage door with two windows. The remaining garage door will be "dressed up" with barn doors. He will also be adding a cupola to the roof, largely for decoration, but also for ventilation for the upstairs office. Mr. Maynard, who lives in the house on the 2.1 acre lot, will be running the business along with a partner. Any storage required would be off-site in a warehouse in Hardwick that he presently uses for his other business. Mr. Maynard feels the traffic generated by his business will be insignificant compared to the traffic going to and from the brewery next door. His business is designed to capitalize on the traffic that already exists. Mr. Maynard stated that there is 70⁺ feet in front of the present garage that he will use for off-road parking and feels that that will be more than adequate for his business. He doesn't feel that this business will generate any solid waste but it may have some compostable refuse. He also doesn't anticipate any noise or air pollution to be generated by this business. He hopes to install a wood pellet burner later this fall to heat both his home and the business. The garage is now 25 feet high and the cupola will add another 6 feet to the height, so the total height of the garage/business structure will be 31 feet. The sign will be positioned on the right-hand side of the driveway, be 6 square feet in area, and be lit by an exterior spotlight directed at the sign. (exhibit #1) Mr. Maynard anticipates locating the sign about 30 feet from the center of the road. He feels it needs to be that far from the road because of the pile-up of snow in the winter and if the sign were placed 50 feet from the center of the road, as required in the by-law, the sign would be 10 feet from the building and difficult to see from the road. The placement of the house is 51 – 54 feet from the road and the garage/business structure is 61 feet from the road. The two structures are 15 – 20 feet apart and well away from all lot lines. The pavilion addition will be on the side away from the house.

Mr. Maynard hopes to begin the retail business this fall, but he is waiting for the Act 250 paperwork to be completed.

The Board went into deliberative session at 7:55 PM. They came back into public session to announce their decision at 8:25 PM.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.3 Rural Lands District

There is adequate land in the lot for both the house and the garage/business. The structures meet all the setback requirements. A home business is a conditional use in the Rural Lands District.

4.5 Home Business

- A) The home business will be conducted by the resident of the dwelling and will not have more than three employees.
- B) The home business will be carried out in the present garage with its proposed addition.
- C) There is adequate off-site storage.
- D) The business will not change the character of the area. The proposed plan for the garage/business fits into the rural character of the neighborhood.
- E) The traffic generated will not significantly affect the volume of traffic presently in the area.
- F) There will be plenty of land for off-street parking in the expanded driveway/ parking area.
- G) Any solid waste will be disposed of in an approved manner.
- H) The business will not cause undue noise or air pollution in the area.
- I) Applies only to a Bed and Breakfast.
- J) Applies only to the Shoreland Protection District.

5.4 Conditional Uses

B) Creation of a home business and a sign will 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.

The present volume of traffic traveling to the next door brewery is significant. This business intends to take advantage of the present traffic. It is not anticipated that it will add to it.

- 4. by-laws and ordinances presently in effect.
- 5. the utilization of renewable energy resources.

C) Specific Standards:

- 1. The lot is large and easily meets the minimum lot size.
- 2. The buildings meet the setback requirements from all lot lines.
- 3. No fencing or landscaping is required for screening.
- 4. The requested sign will not exceed 6 square feet. It must meet setback requirements.
- 5. The business will not change the character of the neighborhood.

The present house and garage will be kept. The addition of the pavilion on the east side of the garage and a cupola on the roof will add to the structure's barn-like exterior, in keeping with the rural character of the area.

- 6. The structures and business adhere to the conditional uses allowed in the Rural Lands District.
- 7. The business will not affect the noise or create air pollution in the area.

5.5 Variances

1. The sign may be located no closer than 25 feet from the center of the road. If it were located 50 feet from the center of the road, as required in the by-law, it would be very close to the building and would be difficult to be seen by potential customers.
2. Locating the sign no closer than 25 feet from the center of the road represents a reasonable development of the property for a home business.
3. Unnecessary hardship has not been created by the applicant.
4. The planned renovation of the garage, with the addition of the pavilion and cupola, is in keeping with the rural character of the area.
5. Location of the sign no closer than 25 feet from the center of the road represents the minimum variance that will afford relief and the least deviation possible from the bylaw and town plan.

Decision and Conditions

Based upon these findings, and subject to the conditions set forth below, the Development Review Board voted unanimously to approve the conditional use application for a home business and a sign.

Creating a retail business with an appropriate sign on this property will not adversely affect the character of the area and does not deviate from the conditional uses allowed in the Rural Lands District. The area of the sign will not exceed 6 square feet and it will not have internal lighting.

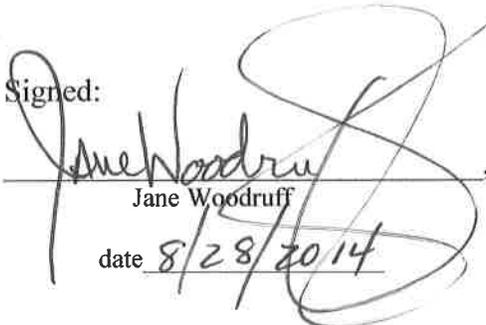
Based upon these findings and subject to the conditions set forth below, the Development Review Board voted unanimously to approve the variance for the placement of a sign no closer than 25 feet from the center of the road.

If the sign were to be placed 50 feet from the center of the road, it would it would be difficult to be seen by potential customers.

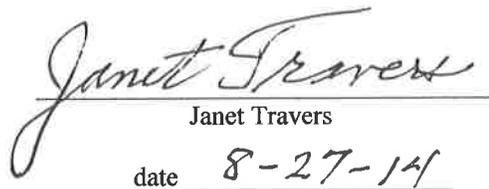
This approval is subject to the following conditions:

1. All necessary state permits must be in place before the commencement of any part of this plan.
2. All structures must adhere to the setback requirements in the Rural District.
3. The area of the sign will not exceed 6 square feet and may not be lit internally.
4. The sign may not be located closer than 25 feet from the center of the road.
5. Ample off-road parking must be provided.

Signed:



Jane Woodruff, chair
date 8/28/2014



Janet Travers, clerk
date 8-27-14

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.