

Conditional Use and Variance Hearing
John Schweizer and Jennifer Lucas
October 23, 2013

To reopen a conditional use application by John Schweizer and Jennifer Lucas to rebuild a camp at 770 North Shore Rd. within the Caspian Lake buffer zone and to reopen a variance request for a slight alteration in the camp's 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; 5.4 Conditional Uses and 5.5 Variances.

Warnings were posted on October 1, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to John Schweizer and Jennifer Lucas, applicants; and the following abutters: Jeffrey and Frances Bennett; Richard & Jacqueline Lovett; Paul Hanlon, trustee for Cortameida Trust; Liza Fairfax Carter; Walter and Jane Gardner; and Andrew and Elizabeth Brown. It was published in the Hardwick Gazette on Wednesday, October 9&16, 2013.

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

Others present: John Schweizer and Jennifer Lucas, applicants; and Kristen Leahy, zoning administrator

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff began the hearing at 7:02 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. Lucas to restate the question that came up during the site visit. Ms. Lucas had a copy of the town land survey. She used the high and low water figures from that survey to calculate the average lake level. If that average is used as the measurement's starting point, the proposed camp would be more than 150 ft. from the lake. If the distance from the lake is taken from the shore line (which is commonly the high water mark), they are within the 150 ft. line. The application states that the proposed structure will be 85 feet from the shoreline. After much discussion, it was decided that if Ms. Lucas wishes to pursue this question, she will ask Ms. Leahy, the zoning administrator, to go out with them to measure from the shore (high water line) to the proposed dwelling site.

Ms. Woodruff then asked Ms. Lucas to present their plans for rebuilding the dwelling as proposed in the application. Ms. Lucas said that the proposed dwelling would be built largely on the footprint of the previous dwelling, but it is not in the exact footprint. Ms. Lucas went on to say that the corners of the proposed structure are angled so the structure would have same square footage as the present footprint. The square footage of the proposed structure's footprint is the same 1950 square feet as the footprint of the original structure. The second floor would add area to the structure, but the total square footage of the habitable floor area is less than the maximum 2500 square feet.

Findings:

2.5 Lakeshore District

The sideline and road setbacks conform to the criteria in the Lakeshore District. The proposed dwelling is within the 150 foot setback requirement from Caspian Lake (85 feet is stated in the application), but it will be built largely on the footprint of a pre-existing, non-conforming structure and is thus grandfathered.

3.8 Nonconformities

1. The structure will be constructed largely on the pre-existing non-conforming footprint and is grandfathered.
2. The reconstruction will not increase the degree of non-conformance of the original structure.
3. The degree of non-conformance will not be increased.
4. The footprint will not be extended.
5. Not applicable. This is a reconstruction of a building, not maintenance or repair.

6. Not applicable. This is not an expansion of the original structure.

The proposed structure will be built on the footprint of the pre-existing, non-conforming structure. The square footage of the footprint remains the same and is grandfathered.

3.9 Protection of Water Resources

The proposed dwelling replaces a pre-existing, non-conforming structure, largely in the same footprint, and is grandfathered. The total square footage of the footprint will remain the same as the original structure.

5.4 Conditional Uses

B) The proposed rebuilding of the camp 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 lot size for two dwellings.
2. The camp meets the setback requirements from all lot lines. However, it is within the 150 ft. setback from Caspian Lake and is grandfathered.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The camp is compatible with other structures in the area.
6. The camp adheres to the conditional uses allowed in the Lakeshore District.
7. The camp will not affect the noise or create air pollution in the area.

The proposed dwelling is grandfathered since it will largely be rebuilt on the pre-existing, non-conforming footprint of the former structure. The total square footage of the footprint remains the same and the habitable floor area is less than the maximum 2500 square feet.

5.5 Variances

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 proposed camp will be rebuilt largely on the pre-existing, non-conforming footprint and its total square footage will remain the same. The structure is grandfathered.

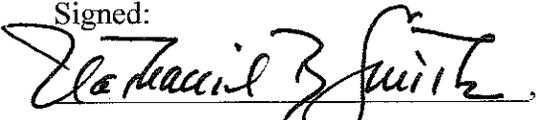
Decision and Conditions

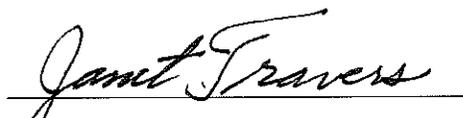
Based upon these findings, the Development Review Board voted unanimously to approve the conditional use application.

Based upon these findings the Development Review Board voted unanimously to approve the variance application.

The non-conformities of the proposed structure are grandfathered since it will be built on a pre-existing, non-conforming footprint.

Signed:

 , vice chair
date 10-28-13

 , clerk
date 10-28-13

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.