

Conditional Use Hearing
Jennifer Ranz
January 4, 2017

To consider a conditional use permit under the integrated agriculture by-law by Jennifer Ranz for a year-round event venue in her barn at 491 Country Club Road.

The application requires a review under the following sections of the Greensboro Zoning By-Laws: 2.5 Rural Lands District; 4.13 Integrated Agriculture and 5.4 Conditional Uses

Warnings were posted on December 9, 2016 at the Greensboro Town Hall, the Greensboro Post Office and Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was also sent to the applicant and the following abutters and neighboring property owners on December 9, 2016: Jennifer Ranz, applicant; Andrew and Matthew Kehler; Tom Anastasio and Virginia Jenkins; Allen, Charles, and Robert Wilson & Margaret Bellak; Jane Sprenger; Warren & Irene Hill; Diane Irish; Penny Bretschneider; and Bronwyn and Conrad Masse. It was published in the Hardwick Gazette on Wednesday, December 14, 2016.

Development Review Board members present: MacNeil, Nat Smith, Janet Travers, Jane Woodruff, Wayne Young, Lee Wright (alternate) and BJ Gray (alternate),

Development Review Board members absent: Linda Romans and Sean Thompson (both recused)

Others present: Jennifer Ranz, applicant; and Audrey DeProspero, Zoning Administrator; for others see the sign-in sheets.

Correspondence from interested persons: see the list of persons and read the letters on the Town Website: www.greensborovt.org

58 Emails from interested persons (all in favor of the proposed business)

8 more emails from interested persons (all in favor of the proposed business)

6 emails from interested persons received just before the hearing

During the course of the hearing the following exhibits were submitted:

#1 66 email letters from interested persons, Ms. Ranz' statement for the application, Department of Environmental Conservation and Natural resource project review sheet, Act 250 jurisdictional opinion, wastewater and potable water supply opinion, State Fire Marshal inspection results, letter from Greensboro Fire Chief, St. J. Fire Extinguisher invoice, and photos of barn.

#2 8 letters from interested persons and the Greensboro Fire Chief

#3 3 letters from Fire Chief David Brochu on his visits to Ms. Ranz barn and barn apartment.

#4 a paper Ms. Ranz read at the hearing

#5 a paper from 6 property owners on Country Club Road read by Tom Anastasio at the hearing

#6 map of Ms. Ranz' property

#7 Ranz 1992 zoning permit for a home business

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:11 PM. Ms. Woodruff read the warning which was posted in 5 public places in Greensboro, sent to abutters, and posted in the Hardwick Gazette. She noted the hearing was quasi-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 Ms. Ranz to explain what she wants to do on her property at 491 Country Club Road. Ms. Ranz began by reading from a short prepared statement (exhibit #4). She said she has a 1992 zoning permit (exhibit #7) for a home business and doesn't feel she needs another. She is applying for an Integrated Agriculture Conditional Use Permit (by-law 4.13) for a year round event venue in her barn. Ms. Ranz went on to say that she has contacted all of her neighbors in the past few months, gave them copies of her application and accompanying statement, and asked them to contact her if they had questions or comments. She added that there will be no outdoor amplified music and the music will stop by 11:00 PM. The kind of music depends on what kind of event it is. She stated that no more than 18 events will occur annually. Although the fire marshal set the maximum number of people in the barn at 300, Ms. Ranz is going to limit it to 200. She has off road parking areas marked on the map of her property (exhibit #6). Portable toilets will be placed in a screened location and removed after use. Their placement is also indicated on the map of Ms. Ranz' property (exhibit #6). Ms. Ranz will be responsible for the removal of trash generated by the events. Ms. Ranz

does not think the proposed venue will generate traffic in excess of volumes generated in other areas in the rural district by: Hill Farmstead Brewery, The Highland Center for the Arts, Hazendale, Jasper Hill, Circus Smirkus, or Mountain View Country Club. She will not have any activity in the barn when Country Club Road is impassable. Her pre-existing retail shop not only sells art, but also vegetables and sheep skins.

Ms. Woodruff then opened the meeting for questions and comments from the audience which brought out these points:

Mr. Anastasio read a statement from six residents on Country Club Road. (Exhibit #5) They agree that Ms. Ranz has done a great job renovating the beautiful barn on her property. He suggested crowd funding as an alternative way to generate funds. Then added that if Ms. Ranz' application continued to be considered, he suggested 3 safety conditions and 6 other conditions be attached. (See exhibit #5). He also asked that the permit be attached to Ms. Ranz, not the property so if the property is sold, the permit would be null and void. He added that they felt the permit would set a precedent for commercial development in the rural lands.

9 more people spoke in favor of the application and 1 spoke against it. These are some of the points they brought out:

- Traffic on Country Club Road is not limited to Ms. Ranz events. It is an everyday occurrence and is worse near the Country Club.
- Expanding the use of agricultural land is important because most people are not moving to this town to live and work on farms.
- Ms. Ranz saved this barn from falling down and has given the town a space to congregate.
- The barn is a beautiful building. Ms. Ranz cares about the looks of the building and about her neighbors and the town.
- It's tough to start and run a business in town. There are too many regulations
- Ms. Ranz should be given a chance to try to make this business work.
- Change is scary, but it can be a positive thing too.
- Although the neighbors don't want the traffic and noise of an event venue, they appreciate the beauty of Ms. Ranz' barn and what she has done to renovate it and understand her need for money to continue the renovation process.
- The Town needs to decide what kind of development they want.
- This event venue will enhance the other businesses in town.

The hearing ended at 8:40 PM. The Board went into deliberative session at 8:45 PM and came back into public session to announce their decision at 9:50 PM.

Findings of Fact:

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

2.5 Rural Lands District

(C) Agricultural accessory uses are permitted in the rural lands district.

(D) Commercial use, home business, retail business and integrated agriculture are all conditional uses in the rural lands district.

(E) The 15.9 acre lot has 332 feet of road frontage. The pre-existing building is 73 ft. from the road, 150 ft. from the right side line, 235 ft. from the left side line, and is 1000 ft. from the rear property line.

The lot and the pre-existing building meet the dimensional standards of the rural district.

4.13 Integrated Agriculture

A1 NA

A2 NA

A3 The pre-existing retail sales in the barn, approved in Ms. Ranz' 1992 zoning permit, will continue and are allowed under this standard.

A4 Educational classes, art demos and open studios are permitted under this standard.

A5 The barn where the event venue will be held is subordinate in area to the total acreage of the lot which is hayed for cattle. Therefore, this activity is permitted under this standard. No further construction or development is planned.

The event venue, educational classes, and retail sales of farm and non-farm products proposed in this application are both encouraged and allowed under this standard.

5.4 Conditional Uses

B) General standards

The proposed conditional use will not have an adverse effect on:

1. the capacity of existing or planned community facilities.

The event venue will have no effect on planned community facilities.

2. the character of the area.

The proposed event venue, retail sales and educational classes are all conditional uses in the rural lands district and there will be no alteration of the land or structure.

3. traffic in the vicinity.

Traffic on Country Club Road will be increased at times, but no more than on other rural roads in town affected by other small businesses in the area.

4. by-laws and ordinances presently in effect.

The proposed project will not affect the by-laws and ordinances in effect.

5. the utilization of renewable energy resources.

The proposed project will have no effect on renewable energy resources.

C) Specific Standards:

1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.

The lot meets all size requirements in the Rural Lands District.

2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.

The pre-existing building meets all setback requirements. There will be no change in the barn and no new structures are planned.

3. Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area.

Screening for the temporary portable toilets is planned. No other landscaping or screening is necessary.

4. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located.

The pre-existing, conforming sign will not be changed.

5. The proposed structure is compatible with other structures in the area.

The barn, which is a compatible structure in a rural area, will not change and no new structures are planned.

6. The proposed structure adheres to the uses allowed in the relevant district.

The proposed uses for the barn are allowed under by-laws 2.5 and 4.13.

7. The proposed structure will not affect the noise or air pollution in the area.

The Board considered the noise in detail and added conditions which address that area.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve an event venue in the barn at 491 Country Club Road.

(The two alternates voted in place of the two absent Board members)

Conditions:

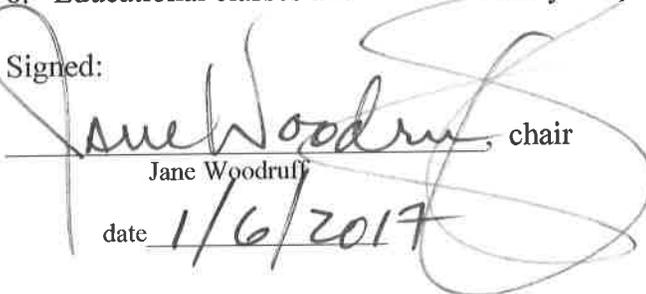
These conditions apply to the event venue:

1. There will be no music after 11:00 PM.
2. There will be no more than 200 people at any event.
3. The event venue will be open from May 1 to October 31.
4. There will be no more than 18 events from May 1 to Oct. 31.
5. There will be no outdoor amplified music.
6. The event venue will meet all state and local permit requirements.
7. There will be no parking on Country Club Road.

This condition applies to other uses of the building:

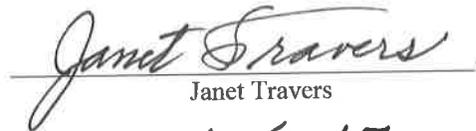
8. Educational classes and retail sales may occur year-round.

Signed:


Jane Woodruff, chair

date

1/6/2017


Janet Travers, clerk

date

1-6-17

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.