

Appeal Hearing
Naomi Ranz-Schleifer
June 29, 2017

To consider an appeal by Naomi Ranz-Schleifer of the decision by the Zoning Administrator that her property at 83 Breezy Ave. is no longer a public building.

The decision was rendered on May 5, 2017 by Audrey DeProspero, Zoning Administrator for the Town of Greensboro. Ms. Ranz-Schleifer's appeal is dated May 28, 2017.

Warnings were posted on June 12, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to Naomi Ranz-Schleifer, applicant and the following abutters and neighboring property owners: Housing Foundation Inc.; Vermont Land Trust; Jennifer Ranz; Patricia Sullivan; Anne Harbison; Janet Travers; and the Greensboro Garage on June 14, 2017. It was also published in the Hardwick Gazette on Wednesday, June 14, 2017.

Development Review Board members present: MacNeil, Linda Romans, Nat Smith, Sean Thomson, Jane Woodruff, Lee Wright, Wayne Young, and BJ Gray (alternate),

Development Review Board members absent: Janet Travers (recused)

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

Appeal Filing:

- a) Initial notice of need for permit 3-15-17
- b) Notice of violation 5-5-17
- c) Request for zoning review 5-8-17
- d) Ruling by the Zoning Administrator 5-10-17
- e) Letter from Ms. Ranz-Schleifer to DRB 5-18-17

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

- #1 letter of support from Heidi Lauren Duke
- #2 letter of support from Mateo Kehler
- #3 letter of support from Mollie Lambert
- #4 letter of support from Andrew Meyer
- #5 letter of support from Kristen Leahy
- #6 letter of support from Joann LaCasse
- #7 letter of support from Noeleen McIntyre
- #8 letter of support from Mollie Lambert (duplicate of #3)
- #9 letter of support from Dan & Pat Cohen
- #10 letter of support from Eliza Burnham
- #11 letter of support from Karen & George Gowen
- #12 letter of support from Lynn Holbein and Alan Peterson
- #13 letter of support from Donald Jenkins
- #14 letter of support from John and Johanna Laggis
- #15 letter of support from David F. Kelley
- #16 list of signatures of 25 people from Greensboro, Hardwick, East Hardwick, Craftsbury, Fletcher, Hyde Park, Charlotte, Wheelock, Greensboro Bend, Newport, and Walden (and an additional one from "Water Gate-A-Lago, Vermont") in support of the Old Firehouse
- #17 another list of 22 people from Greensboro (2 from E. Hardwick) in support of 83 Breezy remaining a public building
- #18 a written evaluation of the former fire station from Kristen Leahy, dated June 19, 2014
- #19 letter of support from David F. Kelley (duplicate of #15)
This is a rendered opinion at the request of Carolyn Kehler

#20 letter by Patricia Sullivan asking for a denial of the appeal and read at the hearing
#21 letter of support from Alain McMurtrie

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:37 PM. 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 began by defining the purpose of the hearing. The hearing is not about the events which have been held at the old firehouse, but whether it can continue to be a public building and if it can, for what can it be used and do those uses need a permit. If it's not a public building, as defined by the Greensboro By-law, then, again, for what can it be used and do those uses need a permit.

Ms. Woodruff then asked Ms. Ranz-Schleifer what she is requesting and why she is appealing the decision of the zoning administrator. Ms. Ranz-Schleifer read a letter stating the reasons she is appealing the determination by the zoning administrator that 83 Breezy Ave. no longer fits the definition of a "public building" under the zoning regulations. (see appeal filing e) The zoning administrator stated that the building is now owned by a private citizen and not a public entity, so it no longer serves the public need as a firehouse and therefore does not retain its status as a public building. Furthermore, asking for donations at the events that were held constitutes a commercial activity. Ms. Ranz-Schleifer answered that: 1. The definition of a public building in the Greensboro by-laws does not include a statement or qualification of ownership. The zoning evaluation that was conducted prior to Ms. Ranz-Schleifer's purchase of the building (see exhibit #18) states that the firehouse could continue to be a public building. Being owned by a private citizen does not prohibit the building from being designated as a public building. 2. While 83 Breezy Ave. is no longer a firehouse, it doesn't prohibit it from continuing to serve the public need in a different capacity. It is Ms. Ranz-Schleifer's understanding that conversion of the building from one public use to another would not require a conditional use permit if the conversion occurred within two years. Ms. Ranz-Schleifer states she has continued a public use of the building as a museum which exhibits contemporary art and culture. Therefore no change of use has occurred. 3. Having an event with a suggested donation does not prohibit 83 Breezy Ave. from being a public building. Other public buildings, i.e. the church, library and historical society have events and ask for donations and remain public buildings.

Questions from the board brought out:

- Ms. Ranz-Schleifer is relying on the definition of a public building that is in the by-laws. However, the definition in the bylaw cannot supersede State or Federal law as to the designation of a building rather than its use; *use* being the jurisdiction of zoning.
- Ms. Ranz-Schleifer is relying on the 2014 zoning review by the former zoning administrator (exhibit # 18) which said the building *could* continue as a public building as long as the use continued to serve a public need and as long as the new public use began within two years. There is a question of who determines whether it is a public building.
- A public building does not need to be owned by the Town or other public entity in order to be designated a public building (the Post Office, the Church, etc.) There is a question of whether a building is a public building or is a building public because of its use.
- Ms. Ranz-Schleifer says she purchased the building as a public building because of the previously mentioned 2014 zoning review. (exhibit #18)
- Would the present use be called institutional? Ms. Ranz-Schleifer feels if it's a museum it would have an institutional nature. She stated that she has been displaying art work in it as a museum since the day after she bought it (April 2016) so she feels she continued the public use within the two year period.

- Date of the official opening of the new Firehouse.

Ribbon cutting – 7-5-2014

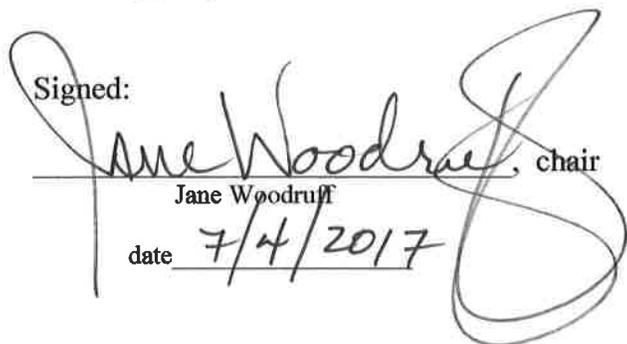
- Date of the sale of the Old Firehouse to Ms. Ranz-Schleifer
4-11-2016
- Use as a "public building" or "museum" began nearly immediately after the purchase.
4 – 12- 2016
- Date of the first "event" or party of an alleged commercial nature, with donations at 83 Breezy Ave.
2-4-2017
- Ms. Ranz-Schleifer didn't know if the 2014 zoning evaluation she received and submitted to the DRB was the entire document, but it was all she received from the Town. (It had no heading and no signature page) Ms. Ranz-Schleifer did not have a lawyer review the 2014 zoning evaluation.
- The expiration of use occurs within two years. Ms. Ranz-Schleifer feels that in exhibiting art work the day after she bought the building, she accomplished this. It may be that the expiration of use in fact began when the building was no longer used as a fire station which was in July of 2014.
- Ms. Ranz-Schleifer said if the building were given a commercial designation, it would require many State permits and other things like a septic system, which it doesn't have. The building is now taxed as a residential property.

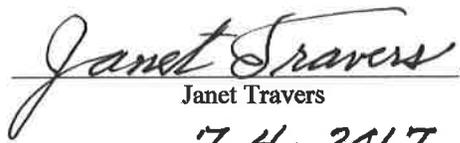
Ms. Woodruff then opened the hearing for questions and comments from the audience which brought out these points:

- In order to meet the requirements of the definition of a public building under the zoning by-laws, a building must: 1. be of an institutional nature *and* 2. serve a public need.
- The zoning by-law requires both of these requirements be met and when it no longer was a firehouse, it no longer served the public need so it was no longer a public building.
- Any new use of the building would require a conditional use/change of use permit (1.3a in the by-laws) A museum, which is a change of use of that building, would also require a Conditional Use permit.
- When the firehouse was advertised for sale, what was it advertised as? What did the Town sell it as? Was the zoning review attached to the sales agreement?
- After the Town sold Ms. Ranz-Schleifer the building in good faith, it should help her make her business work and not tell her what she can or cannot do with the building.
- The designation of the old firehouse as a private club or camp is an incorrect diagnosis since the events (dances) are open to the public, not to members only.
- This process has been divisive in Greensboro.
- Is it common practice to reverse a ruling by a former zoning administrator?
- The last zoning administrator said it *could* remain a public building, not that it will retain that status.
- A space that encourages people to be together in a non-confrontational way and enables access to art is good. It is a space that improves life in Greensboro and fills a public need.
- When the Grange was private, they had public events. Did they have to get permits?
- What defines a party? Willey's and Miller's Thumb have had parties and wine tastings to celebrate many things and they don't need a permit. (They do need a State liquor permit)
- Ms. Ranz-Schleifer envisions the use of 83 Breezy Ave. as a museum for art as it is now and where there are parties, music, and films – a cultural hub – where elements of diversity can be displayed and accessed. She hopes to help create a vibrant downtown with a lively community center where there are many activities in which people, especially young people, can participate. She hopes to have a place where there is a light on after 6:00 pm, encouraging people to stop and visit.

The hearing ended at 8:48. The deliberative session began at 9:00 PM. At 9:38 it was continued until Thursday, July 6th at 6:00.

Signed:


Jane Woodruff, chair
Jane Woodruff
date 7/4/2017


Janet Travers, acting clerk
Janet Travers
date 7-4-2017