

Greensboro Development Review Board

Appeal by Naomi Ranz-Schleifer

Re: Greensboro Zoning Administrator Decision of March 15, 2017 “Public Building” Status of Property at 83 Breezy Avenue, Greensboro, VT

Heard on June 29, 2017

Deliberative Session:

Began on June 29, 2017, continued at 9:38 PM

Continued to July 6, 2017 at 6:00 PM and concluded at 8:03 PM

Appeal

Naomi Ranz-Schleifer appealed the Notice of Violation, Decision, and Cease-and-Desist order by the Greensboro Zoning Administrator, Audrey DeProspero, rendered by letter on March 15, 2017 and codified in writing on May 10, 2017. The basis for the violation, leading to the decision, was that the former Greensboro Firehouse, currently owned by Naomi Ranz-Schleifer, having been sold by the Town of Greensboro, could no longer be considered a “public building” as defined by the Greensboro Zoning Bylaws. As such, the property could no longer be used in that capacity without the seeking of additional permits from the Town.

Hearing

A public hearing was held, in accordance with open meeting laws, on June 29, 2017, after the appeal was filed, by letter, on May 18, 2017.

Appendices

- Appendix A: Minutes of the 6/29/2017 DRB Hearing of the Appeal
- Appendix B: Original Appeal Filing Letter of Naomi Ranz-Schleifer
- Appendix C: March 15, 2017 Greensboro ZA Notice of Violation and Cease-and-Desist
- Appendix D: May 5, 2017 2nd Greensboro ZA Notice of Violation and Cease-and-Desist
- Appendix E: May 10, 2017 3rd Greensboro ZA Notice of Violation and Cease-and-Desist
- Appendix F: June 19, 2014 Greensboro ZA (Kristen Leahy) Zoning Evaluation of 83 Breezy Ave Property
- Appendix G: May 8, 2017 Letter from Naomi Ranz-Schleifer requesting Zoning Evaluation
- Appendix H: Ranz and Greensboro Vermont PTTR Form
- Appendix I: Exhibits from the Hearing

Board Roster

- Voting Members
 1. Jane Woodruff – Chair
 2. Nat Smith – Vice Chair
 3. Wayne Young – Bursar
 4. MacNeil
 5. Linda Romans
 6. Sean Thomson
 7. Lee Wright
- Alternates
 1. BJ Gray – Alternate 1
- Recused or Absent
 - Jan Travers – Alternate 2 and Acting Clerk of the DRB (RECUSED as an Abutter)
 - Jan recused herself from discussion and voting in the matter, but she, as acting Clerk for the DRB, recorded the minutes.

Consultations

Consultations were sought by the Greensboro Development Review Board (DRB) of May & Davies, the law firm in Barton, VT, which represents the Town of Greensboro in many municipal matters.

Zoning Administrator Participation

The Greensboro Zoning Administrator (ZA), Audrey DeProspero, participated in the hearing only to provide testimony relevant to the original decision. Audrey DeProspero was neither present, nor did she participate, in the deliberative session concerning this appeal.

Considerations

The original decision by the Greensboro ZA was rendered in writing to the appellant, Naomi Ranz-Schleifer, on March 15, 2017. That document is attached as Appendix D. That decision cited a violation of the bylaws based upon the “public” nature of an event that occurred on February 8, 2017, and stated that the “location is not permitted for public activities such as a musical event and/or dance party.” The decision continued with a cease-and-desist order from the ZA to Ms. Ranz-Schleifer until permits were acquired to hold such events at the 83 Breezy Avenue, Greensboro, location.

In an additional notice of violation, emailed to Ms. Ranz-Schleifer by the ZA on May 5, 2017, the assertion was made, in reference to the property at 83 Breezy Avenue “that this property no longer fits within the definition of a ‘public building’ under the zoning regulations since this property is no longer owned by a public entity nor is it serving a public need such as the provision of services.”

In a third notice of violation, mailed to Ms. Ranz-Schleifer by the ZA on May 10, 2017, the bylaw regarding “clubs, private, or Camp” was cited as an optional conditional use.

2. 3 Greensboro Village District, (D) Conditional Use (Conditional Use: A use which is permitted in a given zoning district only after a hearing and decision before the Development Review Board in which particular conditions are set for the planned use. This Bylaw contains a list of conditional uses for each zoning district. See §5.4 of this Bylaw), 3. Club, private or camp (Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only).

Ms. Ranz-Schleifer, the appellant, filed her appeal on May 18, 2017, after a request for a zoning evaluation on May 8, 2017, with a defense based upon the definition of “public building” from the March 2015 edition of the Greensboro Zoning Bylaws and a June 19, 2014 Zoning Evaluation performed and documented by Kristen Leahy, the then Greensboro Zoning Administrator. It is important to note that the Zoning Evaluation was performed under the March 2014 Greensboro Zoning Bylaws, the edition prior to the 2015 version under which the property was purchased, and approximately 22 months prior to the Ranz-Schleifer purchase of the property at 83 Breezy Ave.

The assertion in the notice of violation that the events were of a public nature, and the subsequent appeal based on the “public building” status of the property at 83 Breezy Avenue, inadvertently conflated two separate issues: (1) whether or not the events as they are described and publicized constitute public events; (2) whether or not the property located at 83 Breezy Avenue in Greensboro, Vermont can be considered a public building. The Greensboro DRB considered the two issues separately as the latter was used in defense of the former, but neither guarantees the other. A third issue emerged during testimony of whether the status of “public building” was conveyed in the transfer of the property from the Town of Greensboro to Ms. Ranz-Schleifer.

Considerations of Question 1: Are Publicized and/or Public-welcoming events permitted or allowed at a private residence?

On first pass it would appear that this type of activity is not regulated. However, in order to fully consider this question, the use and designation of the property must be examined. While the activity itself does not fall within the bylaws or precisely within state regulations, the property upon which the activity takes place is highly regulated in both designation and use.

Another way to examine this question is to compare whether or not the property at 83 Breezy Avenue is considered a private residence. In the case of a private residence, as long as the use and/or events do not trigger the question of whether a building is public, which is examined in detail later in this document, the events, simply by their existence, do not necessarily fall within a specific definition of "public event," as this is not defined in the bylaws or statute. However, clear and repeated use of a property as a venue would force the question of use, which then triggers the question of whether or not the building meets the standard of a "public building."

Thus parties or events at a private residence are not regulated until they reach an attribution of "public" activity, or events that would trigger the review of the State of Vermont standards, as further examined in Question 2. The fact that the 83 Breezy Avenue property is not a residence (unoccupied garage), and the fact that its assumed status as a "public building" was used as a defense for hosting such events (the alleged grounds for this appeal) is precisely why the conflation occurred regarding the nature of the events and the status of the property as a public building.

It is because of this conflation that we must proceed to the latter question in order to consider the activity itself.

Considerations of Question 2: Is the property at 83 Breezy Avenue considered a "public building?"

Definition of Public Building in the March 2015 Greensboro Zoning Bylaws

The March 2015 Greensboro Zoning Bylaws were in effect at the time of purchase of the 83 Breezy Ave property by Ranz-Schleifer, which took place in April of 2016.

That definition of "Public Building" is as follows:

"Buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue, and fire stations; and public utilities and services." (p.80)

While the definition relies on the term "public" to describe "building," implying that the buildings themselves retain a designation of "public," the definition goes on to describe uses. Zoning regulates use and not designation. Furthermore, the bylaws list "Public Buildings" as a "conditional use" in various districts.

Definition of Public Building in Vermont Statutes

While the zoning bylaws guide both development and review within municipalities that retain zoning, the bylaws do not supersede state or federal statute.

Title 20 of the Vermont State Statutes, section 2730 (20 V.S.A. § 2730 -

<http://legislature.vermont.gov/statutes/section/20/173/02730>) relevantly defines public buildings as follows:

(a) As used in this subchapter, "public building" means:

. . . (1)(B) a building in which two or more persons are employed, or occasionally enter as part of their employment or are entertained, including private clubs and societies; . . .

(b) The term "public building" does not include:

- (1) An owner-occupied single family residence, unless used for a purpose described in subsection (a) of this section.

This title, chapter, and section reference public safety, specifically for the Fire Safety Division for the Prevention and Investigation of Fires. The use of a property or location as a "public building" has a direct relationship to public safety and is, therefore, governed by these definitions and statutes.

The property at 83 Breezy Avenue, as it exists today, is an unoccupied structure without facilities and therefore does not fall within the exemption listed within 20 V.S.A §2730(b)(1). Even if it were to do so, the use, as described by Ms. Ranz-Schleifer as a "museum" or other "public building" could trigger a State of Vermont Building Code inspection in order to receive the "public building" designation. It is also possible that the State would place a requirement that the building be brought up to code before that designation could be applied.

Considerations of Question 3: Was the status of "Public Building" conveyed with the purchase?

The final assertion was brought to the attention of the DRB during testimony by Ms. Ranz-Schleifer wherein she stated that while she did not have the Zoning Evaluation from 2014 reviewed by an attorney she assumed that the 83 Breezy property could continue to be used as a public building and began doing so to display artwork the day after the purchase. However, the Vermont Property Transfer Tax Return, VT Form PT-172, as filed with the deed and held for public viewing with the Town Clerk's office, clearly states in Section I that the Seller's (Town of Greensboro) Use was #6, Government, and in Section J that the Buyer's (Ranz-Schleifer) Use after transfer would be #9, Other: Garage. This distinction shows a clear shift in the use from public to private use.

Timeline

- June 19, 2014
 - Zoning Evaluation of 83 Breezy Avenue by Greensboro Zoning Administrator Kristen Leahy
- July 5, 2014
 - Ribbon cutting and official opening of the new Greensboro Firehouse at the intersection of Hardwick Street and Breezy Avenue in Greensboro, VT
 - End of Use by the Greensboro Fire Department of the former Firehouse at 83 Breezy Avenue
 - Use of building continued only as Town storage
- April 11, 2016
 - Purchase of the Property at 83 Breezy Avenue
 - By Ranz-Schleifer from the Town of Greensboro
- April 12, 2016
 - Asserted date of use as a "museum" by Ranz-Schleifer
- February 8, 2017
 - First event of a "commercial" or "public" nature at the 83 Breezy Ave property
- March 15, 2017
 - First Notice of Violation and Cease-and-Desist by Greensboro ZA, Audrey DeProspero
- May 5, 2017
 - Second Notice of Violation and Cease-and-Desist by Greensboro ZA, Audrey DeProspero
- May 8, 2017
 - Request by Ranz-Schleifer for a zoning evaluation by ZA DeProspero
- May 10, 2017
 - Third Notice of Violation and Cease-and-Desist by Greensboro ZA, Audrey DeProspero

- May 18, 2017
 - Appeal filed by Ranz-Schleifer
- June 29, 2017
 - Hearing of Appeal by the Greensboro Development Review Board

Findings:

While Ms. Ranz-Schleifer correctly concluded that ownership by a governmental or public body is not a requirement for a “public building,” the contextual utilization of the definition as “conditional uses” within zoning districts of the Town of Greensboro, and the definition containing uses rather than designations, leads the DRB to concluded that the property at 83 Breezy Avenue no longer meets the requirements as both “of an institutional nature and serving a public need.”

If Ms. Ranz-Schleifer were to approach the State of Vermont Department of Public Safety and register her property at 83 Breezy Avenue as a “public building” or museum, as she describes it, and obtain all of the State permits required for that process, the Greensboro DRB would, on its own motion, reconsider the appeal.

The governmental use of the 83 Breezy property as a firehouse concluded upon the official opening date of the new Firehouse on July 5, 2014. The first overt, observable, use of the 83 Breezy property as an event venue as a “public building” as asserted by Ms. Ranz-Schleifer occurred on February 8, 2017, approximately two (2) years and seven (7) months after the governmental use concluded.

The Vermont Property Transfer Tax Return, VT Form PT-172, as filed with the Town of Greensboro, as part of the property sale closing, clearly states that the former use by the Town was “governmental” and the intended use by Ms. Ranz-Schleifer of the 83 Breezy property was as a “garage.” The DRB concludes that, at the moment of transfer, the “public building” status or public use of the property ceased and that the appellant had a duty of awareness of that change of status and use.

The DRB concludes that further events of the nature described in the notices of violation, due to the fact that the property at 83 Breezy Avenue is neither a public building nor a private residence, could trigger Building Code Inspections by the State of Vermont Department of Public Safety, as it does not meet the criteria for exemption from State requirements as found in 20 V.S.A. § 2730, as a owner-occupied single family residence.

Decision:

Based upon findings, the Greensboro Development Review Board denies the appeal by Ms. Naomi Ranz-Schleifer of the Greensboro Zoning Administrator’s decision of May 10, 2017. The DRB, therefore, concludes that the property located at 83 Breezy Avenue, Greensboro, VT, is no longer a “public building.”

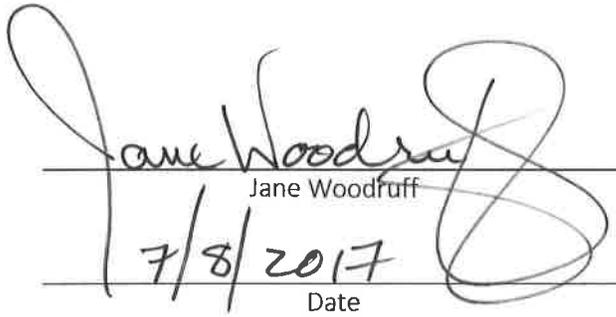
However, if Ms. Ranz-Schleifer were to register her property at 83 Breezy Avenue as a “public building” or museum, the Greensboro DRB would be happy to reconsider the appeal.

Vote:

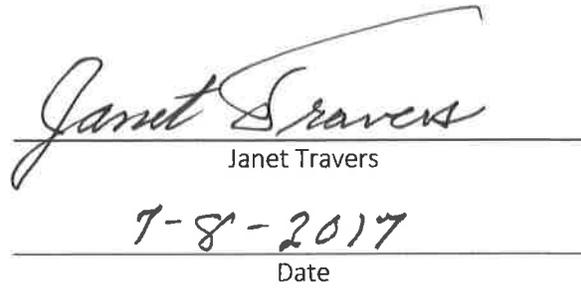
The Board voted unanimously (7 – 0) to deny the appeal.

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Signatures:


_____, Chair
Jane Woodruff
7/8/2017

Date


_____, Clerk
Janet Travers
7-8-2017

Date

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.

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 it 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:

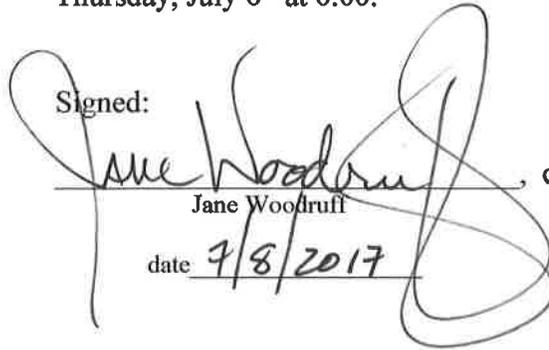
- Ms. Ranz-Schleifer is relying on the definition of a public building that is in the by-laws. However, the definition in the bylaw cannot supersede State or Federal law as to the designation of a building rather than its use; *use* being the jurisdiction of zoning.
- Ms. Ranz-Schleifer is relying on 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

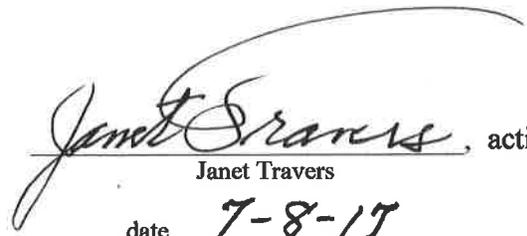
- Date of the sale of the Old Firehouse to Ms. Ranz-Schleifer
4-11-2016
- Use as a "public building" or "museum" began nearly immediately after the purchase.
4 – 12- 2016
- Date of the first "event" or party of an alleged commercial nature, with donations at 83 Breezy Ave.
2-4-2017
- Ms. Ranz-Schleifer 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:  , chair
Jane Woodruff
date 7/8/2017

 , acting clerk
Janet Travers
date 7-8-17

Naomi Ranz-Schleifer
491 Country Club Road
Greensboro, VT 05841
c. 802.535.8090

Re: 83 Breezy Ave. Greensboro, VT

May 18, 2017

To the Greensboro Development Review Board,

I am writing to appeal the determination issued by Greensboro's Zoning Administrator, Audrey DeProspero, that 83 Breezy Avenue "no longer fits within the definition of a "public building" under the zoning regulations since this property is no longer owned by a public entity nor is it serving a public need such as the provision of services" with her explanations provided as follows:

1. 83 Breezy Ave does not qualify as a Public Building because it is owned by a private citizen and no longer by a public entity.
 2. 83 Breezy Ave no longer serves the public need as a firehouse and therefore does not retain its permitted status as a Public Building.
 3. Events are not permitted at Public Buildings and a suggestion of a donation for activities on the premises constitutes commercial activity and is not permitted at Public Buildings.
- (1) The definition of a "Public Building" in the Greensboro Zoning bylaws does not include a statement or qualification of ownership. The bylaws simply state "Public Building: buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue, and fire stations; and public utilities and services." Furthermore, the Zoning Review that was conducted of 83 Breezy Ave. by our former Zoning Administrator, Kristen Leahy, and was presented to the Town prior to my purchasing of the building explicitly states that the firehouse building "could continue to be a Public Building." Being owned by a private citizen does not prohibit the building on 83 Breezy Avenue from being designated as a Public Building. For example, the Greensboro Post Office (a Public Building) is located on property owned by a private citizen.
- (2) While 83 Breezy Avenue no longer serves as the Town's firehouse, this does not prohibit it from continuing to serve a public need as a Public Building in a different capacity. The Zoning Review of 83 Breezy Ave. states that "the conversion of this Public Building to a new Public Building would not require a conditional use permit if the conversion occurred within two years of the Fire Department departure." I have continued to use 83 Breezy Ave. as a Public Building as the Firehouse Museum, which exhibits contemporary art and culture. As a result, no change of use has occurred that alters the permit category.

(3) Having an event or having a suggested donation does not prohibit 83 Breezy Ave from being designated a Public Building. The Library, Church, and Historical Society all have events and activities, and ask for suggested donations. In some instances, these buildings even allow for the sale of goods or services. Tickets have been sold to various events at the Church (including concerts) and the Post Office conducts business on a regular basis. Having an event or hosting activities with suggested donations or fees does not prohibit 83 Breezy Ave from remaining a Public Building.

I ask that you review my appeal and consider that 83 Breezy Ave is still permitted as a Public Building as the Firehouse Museum.

Sincerely,

A handwritten signature in black ink, appearing to read 'Naomi Ranz-Schleifer', written in a cursive style.

Naomi Ranz-Schleifer

Attached Documents:

Notice stating that 83 Breezy Avenue is not permitted to host public events (March 15)
Email from Audrey DeProspero Regarding 83 Breezy Ave (May 5, 2017)
Request for Review and Explanation of Determination (May 8, 2017)
Notice of Violation Regarding 83 Breezy Ave (May 10, 2017)
Zoning Review of 83 Breezy Ave conducted by Former Zoning Administrator, Kristen Leahy

TOWN OF GREENSBORO

PO Box 119
81 Laundon Ave
Greensboro VT 05841

March 15, 2017

Naomi Ranz Schleifer
491 Country Club Road
Greensboro, VT 05841

Dear Ms. Ranz Schleifer:

I am writing to let you know that it has been brought to the Greensboro Zoning Office attention that a public event took place at the Old Fire House located on 83 Breezy Avenue on Saturday, February 8, 2017. This location is not permitted for public activities such as a musical event and/or dance party. Please cease any future plans for such until you have been permitted to do so. In order for such to become a permitted use, a Zoning Application will need to be completed. I have enclosed an application for your convenience for Conditional Use.

Sincerely,



Audrey DeProspero
Greensboro Zoning Administrator

cc: file

Enclosure: Conditional Use Permit

Re: 83 Breezy Avenue

Audrey DeProspero <zoning@greensborovt.org>
To: Naomi Ranz-Schleifer <nranzschleifer@gmail.com>

Fri, May 5, 2017 at 4:39 PM

Naomi, it has been brought to my attention that another event will be taking place at the building located on 83 Breezy Avenue that you own. The use of this property for events where admission is charged requires a permit and the use of the property as a museum requires a permit. It has been determined that this property no longer fits within the definition of a "public building" under the zoning regulations since this property is no longer owned by a public entity nor is it serving a public need such as the provision of services. Your use of the property is in violation of the town zoning regulations and you must apply for a zoning permit so as to bring the property into compliance within 3 business days (Wednesday, May 10, 2017) or enforcement action will need to be initiated. Your current use may fit within the definition of a "private club" (Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only) if it is in fact a non-profit venture, otherwise, "commercial uses." These are both possible uses that might be permitted. I look forward to hearing from you and working with you throughout your permit process.

Next Party: CINCO DE MAYO!!!

Friday, May 5, 2017

The OLD FIREHOUSE – 83 Breezy Ave. Greensboro



Featuring:
DJVU
Electrónica
Muchos Banditos
and other special guests!

Music Starts at 8 PM

Suggested Donation: \$10, BYOB

[Quoted text hidden]

TOWN OF GREENSBORO

PO Box 119
81 Laundon Ave
Greensboro VT 05841

May 10, 2017

Ms. Naomi Ranz-Schleifer
491 Country Club Road
Greensboro VT 05841

RE: 83 Breezy Avenue

Dear Ms. Ranz-Schleifer:

As the owner of the above referenced property, you are hereby notified that you are in alleged violation of Greensboro Zoning Bylaw

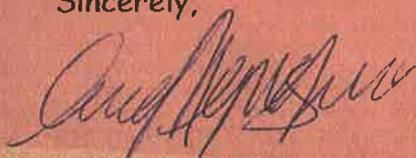
2.3 Greensboro Village District, (D) Conditional Use (Conditional Use: A use which is permitted in a given zoning district only after a hearing and decision before the Development Review Board in which particular conditions are set for the planned use. This Bylaw contains a list of conditional uses for each zoning district. See §5.4 of this Bylaw), **3. Club, private or camp** (Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only).

The violation exists as follows: Two parties (Music & People = Dance Party) at 83 Breezy Avenue (2/4/17 and 5/5/17) which has not applied for a zoning permit (Application for Condition Use/Variance). Please refer back to previous emails for details.

You should be aware that further action may be taken.

Please feel free to contact me should you have any questions and/or time to set up a meeting.

Sincerely,



Audrey DeProspero
Greensboro Zoning Administrator

cc: file

Page 1 of 1

Zoning Evaluation of the Former Fire Station
From the Greensboro Zoning Administrator
June 19, 2014

The following is not an endorsement of any particular available option for the Former Fire Station property, nor is it a legal opinion. This is a zoning evaluation for a non-conforming parcel of land with a non-conforming structure on site. These answers are to the best of my knowledge as the Greensboro Zoning Administrator, Kristen Leahy.

All page and section references are derived from the Greensboro Zoning Bylaw.

The Former Fire Station parcel is a non-conforming parcel in the Greensboro Village District. If this parcel were bare land, development would be prohibited. (See page 19, Section 3.5, C1 – in order to be developed, lots must have more than one – eighth of an acre in area).

However, there is a Non-conforming structure on this particular lot. The Former Fire Station is a Public Building, which is allowed in the Greensboro Village District by Conditional Use in our Zoning Bylaw. A Public Building is defined as “buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools, libraries; museums; post offices; police; rescue and fire stations; and public utilities and services.” (Page 80). The structure is Non-conforming (“any legal structure which is not in compliance with the provisions of this Bylaw concerning setback” Page 20, Section 3.8). The Non-Conformity is due to the inadequate setbacks from the parcel lines and because of the size of the lot.

The use of the structure, as a Public Building and as it is currently configured, could continue indefinitely without permission of the Greensboro Development Review Board (DRB). The structure could also be restored or renovated, as a Public Building, with a conditional use permit from the DRB (Section 3.8, page 20).

The most pressing issue or problem in converting this building to another permitted use would be the lack of a wastewater system. There is currently only one 2” water line with a garden hose attachment to the property and a drain inside the structure which accesses the exterior. No pre-existing system is in place. A wastewater system permit must be issued by the State of Vermont prior to the issuance of a building permit. (Page 34, Section 5.1). Furthermore, according to John Mackin from Greensboro Fire District #1, the Fire District intends to shut the water off at the road when the fire department has completely moved out of the Former Fire Station building. Mr. Mackin acknowledges that there is a water line to the building but, he also states that the GFD #1 has a policy that they do not provide water to a property unless there is a wastewater system in place at that property.

Most permitted and conditional uses of the structure would need a wastewater system. An Accessory Use or Structure does not require a wastewater system to be in place. However, our zoning definition of an Accessory Use or Structure is as follows “a building or use customarily incidental and subordinate to a principal building or use **on the same lot, or on an adjoining lot**

under the same ownership.” (Page 72, emphasis added). Conversion of the Former Fire Station to an Accessory Structure would be permitted to an adjoining neighbor – Anastasio, Vermont Land Trust, and the Housing Foundation, Inc. A variance would need to be sought from the DRB to allow the use of the building as an Accessory Structure for any other owner who does not adjoin the parcel.

The conversion of this Public Building to a new Public Building would not require a conditional use permit if the conversion occurred within two years of the Fire Department departure. Furthermore, if the proposed project from the Town of Greensboro did need to seek approval from the Greensboro DRB, then Section 3.6 – Limitations on Municipal Bylaws – would be invoked. In particular, this section states that aspects of the project may only be reviewed “...to the extent that these regulations do not have the effect of interfering with the intended functional use.” (Page 19).

What can be done with this lot? Potential projects. (Not a full list)

- The building could be torn down and the parcel could be utilized for seasonal camping; RV placement for up to six weeks; temporary structures (up to six months); a parking lot; agricultural endeavors; or a sign placement. (In general, zoning permits would not be required in these instances).
- The building could continue to be a Public Building.
- The building could become a permitted Accessory Structure for an adjoining owner.
- The building could become an Accessory Structure for a non-adjoining owner with a variance permit from the DRB.
- The building could become a Non-conforming single –family or two-family dwelling if a wastewater system permit was obtained from the State of Vermont. The footprint could also be utilized if a conditional use permit was also granted by the DRB.
- Most conditional uses would be possible if approval was received from the DRB and a wastewater system permit was obtained from the State of Vermont. The exception would be Commercial Use or Home Businesses which are required to provide off-street parking. The approval of such projects would be questionable at best.

COPY

Re: 83 Breezy Avenue

Naomi Ranz-Schleifer <nranzschleifer@gmail.com>
To: Audrey DeProspero <zoning@greensborovt.org>

Mon, May 8, 2017 at 11:18 AM

Hi Audrey,

I would like to formally request that you conduct a zoning review of 83 Breezy Ave. and give me a written explanation as to your determination that "this property no longer fits within the definition of a "public building" under the zoning regulations since this property is no longer owned by a public entity nor is it serving a public need such as the provision of services. "

Regards,
Naomi

Greensboro Zoning Bylaws definition of a

Public Building: buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue, and fire stations; and public utilities and services

83 Breezy Avenue is no long a town owned entity. It is no longer a fire station or fire house that housed fire apparatus owned by the Town of Greensboro which was used for

Essential Service: A service required for public health or safety. These may include but are not necessarily limited to: Electricity, fire protection, sewage treatment, public water supply, solid waste disposal

83 Breezy Avenue was sold to a private citizen. The building is no longer part of the other town owned buildings.

83 Breezy Avenue needs to have a Zoning Permit completed (Application for Conditional Use/Variance)

83 Breezy Avenue has a suggested donation request of \$10 which may or may not fall under the following but I strongly suggest that you complete an Application for Conditional Use/Variance so the permit process can begin.

Permitted use: A use for which a permit may be obtained from the Administrative Officer provided that all setbacks and regulations for the district are met. A list of permitted uses for each district is given in the section dealing with that district.

Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Commercial Use: Any activity involving the sale of goods or services carried out for profit.

Conditional Use: A use which is permitted in a given zoning district only after a hearing and decision before the Development Review Board in which particular conditions are set for the planned use. This Bylaw contains a list of conditional uses for each zoning district. See §5.4 of this Bylaw.

For Town Use Only

VT Form
PT-172 **VERMONT**
PROPERTY TRANSFER TAX RETURN

BLACK OUT ALL ID NUMBERS BELOW ON TOWN COPY ONLY

A. SELLER'S (TRANSFEROR'S) INFORMATION
SELLER #1

Entity SELLER #1 Name TOWN OF GREENSBORO <small>Initial of SELLER #1 (Last Name)</small> <small>First Name</small> <small>Initial</small>	Entity SELLER #1 Federal ID Number Individual SELLER #1 Social Security Number TOTAL number of SELLERS 1
SELLER #1 Mailing Address Following Transfer PO BOX 119 <small>City or Town</small> <small>State</small> <small>Zip Code</small> GREENSBORO VT 05841 <small>Foreign Country (if not United States)</small>	For Department Use Only

SELLER #2 If more than two (2) SELLERS, attach Form PT-172-S.

Entity SELLER #2 Name <small>Initial of SELLER #2 (Last Name)</small> <small>First Name</small> <small>Initial</small>	Entity SELLER #2 Federal ID Number Individual SELLER #2 Social Security Number TOTAL number of SELLERS
SELLER #2 Mailing Address Following Transfer <small>City or Town</small> <small>State</small> <small>Zip Code</small> Foreign Country (if not United States)	For Department Use Only

B. BUYER'S (TRANSFeree'S) INFORMATION
BUYER #1

Entity BUYER #1 Name <small>Initial of BUYER #1 (Last Name)</small> <small>First Name</small> <small>Initial</small> RANZ SCHLEIFER NAOMI	Entity BUYER #1 Federal ID Number Individual BUYER #1 Social Security Number TOTAL number of BUYERS 1
BUYER #1 Mailing Address Following Transfer 491 COUNTRY CLUB ROAD <small>City or Town</small> <small>State</small> <small>Zip Code</small> GREENSBORO VT 05841 <small>Foreign Country (if not United States)</small>	For Department Use Only

BUYER #2 If more than two (2) BUYERS, attach Form PT-172-B

Entity BUYER #2 Name <small>Initial of BUYER #2 (Last Name)</small> <small>First Name</small> <small>Initial</small>	Entity BUYER #2 Federal ID Number Individual BUYER #2 Social Security Number TOTAL number of BUYERS
BUYER #2 Mailing Address Following Transfer <small>City or Town</small> <small>State</small> <small>Zip Code</small> Foreign Country (if not United States)	For Department Use Only



Buyer #1 or Entity NAME: NONE INDICATED
 SSN or FID _____
 Property Location: 83 BREEZY AVENUE GREENSBORO VT
 Date of Closing: 08-13-2016



C. PROPERTY LOCATION

Address (Street or Road Name):
 83 BREEZY AVENUE
 City/Town:
 GREENSBORO VT

VT

D. DATE OF CLOSING 04 24 2016 MM DD YYYY	E. INTEREST IN PROPERTY - Write the number from the list <input type="checkbox"/> 1 if "4" enter % Interest here: <input type="text"/> % 1 Fee Simple 3 Undivided 1/2 Interest 5 Time-Share 7 Easement/Row 2 Life Estate 4 Undivided ___ % Interest 6 Lease 8 Other
--	--

F. LAND SIZE (Acres or fraction thereof) 0.13 ±	G. SPECIAL FACTORS <input type="checkbox"/> If sale was between family members enter number from list below <input type="checkbox"/> Check if development rights have been conveyed 1. Husband/Wife 2. Parent/Child 3. Grandparent/Grandchild 4. Other _____ FINANCING: <input type="checkbox"/> Conventional/Bank <input type="checkbox"/> Owner Financing <input checked="" type="checkbox"/> Other NONE
---	--

H. TYPE OF BUILDING CONSTRUCTION AT THE TIME OF TRANSFER (Check all that apply)

<input type="checkbox"/> 1. None	<input type="checkbox"/> 5. Farm Buildings	<input type="checkbox"/> 9. Store
<input type="checkbox"/> 2. Factory	<input type="checkbox"/> 6. Multi-Family with <input type="text"/> Dwelling Units (Manufactured)	<input type="checkbox"/> 10. Residential New Construction
<input type="checkbox"/> 3. Single Family Dwelling	<input type="checkbox"/> 7. Mobile Home	<input checked="" type="checkbox"/> 11. Other FIRE STATION
<input type="checkbox"/> 4. Second Dwelling	<input type="checkbox"/> 8. Condominium with <input type="text"/> Units (Manufactured)	

I. SELLER'S USE OF PROPERTY BEFORE TRANSFER (Enter number from list) 6 Check if property was related BLEP/CPL transfer

1. Primary Residence	4. Timberland	7. Commercial
2. Open Land	5. Operating Farm	8. Industrial
3. Secondary Residence	6. Government Use	9. Other

J. BUYER'S USE OF PROPERTY AFTER TRANSFER (Enter number from list) 9 Check if property will be rented AFTER transfer Check if buyer holds title to any adjoining property

1. Primary Residence	4. Timberland	7. Commercial
2. Open Land	5. Operating Farm	8. Industrial
3. Secondary Residence	6. Government Use	9. Other GARAGE

K. AGRICULTURAL/MANAGED FOREST LAND USE VALUE PROGRAM, 32 V.S.A. Chapter 124

1. Check if property being conveyed is subject to a land use change tax lien

2. Check if new owner elects to continue enrollment of eligible property

L. If transfer is exempt from Property Transfer Tax, cite exemption number from instructions and complete Sections M, N and O below

M. TOTAL Price Paid 35,000.00	N. Price paid for Personal Property 0.00	O. Price paid for Real Property 35,000.00
---	--	---

Value of Personal Property _____
 If (buy) or (sell) Real Property is less than fair market value, please explain _____

P. Value of purchaser's principal residence included in Line O for special tax rate (the acquisition) 0.00	Q. For transfers prior to July 1, 2011, fair market value of property enrolled in current use program included in Line O for special tax rate 0.00	R. For transfers prior to July 1, 2011, fair market value of qualified working farm included in Line O for special tax rate 0.00
--	--	--

S. PROPERTY TRANSFER TAX DUE from rate schedule on page 3 of this form. COMPLETE RATE SCHEDULE FOR ALL TRANSFERS.

Make checks payable to VERMONT DEPARTMENT OF TAXES 507.50

T. DATE SELLER ACQUIRED 08 09 1983 MM DD YYYY	U. IF A VERMONT LAND GAINS TAX RETURN IS NOT BEING FILED, cite exemption(s) from instructions on page 3 0 1 <input type="text"/> <input type="text"/>
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For Town Use Only

Buyer #1 or Entity NAME LAND SCHEDULE
 SSN or FID _____
 Property Location # GREEN AVENUE GREENSBORO VT
 Date of Closing 04-14-2016



RATE SCHEDULE

Tax on Special Rate Property

1. Value of purchaser's principal residence. Also enter on Line P. (See instructions)	1.	0.00	
2. For transfers prior to July 1, 2011, value of property enrolled in current use program. Also enter on Line Q.	2.	0.00	
3. For transfers prior to July 1, 2011, value of qualified working farm. Also enter on Line R.	3.	0.00	
4. As of Line 1-3	4.	0.00	
5. Tax rate	5.	0.0050	
6. Tax due (Multiply Line 4 by Line 5)	6.		0.00
7. VHFA Exemption 99 Only Values in excess of \$110,000 but below \$200,000	7.	0.00	
8. Tax rate	8.	0.0000	
9. Tax due on VHFA (Multiply Line 7 by Line 8)	9.		0.00
10. Total due on special rate (Add Lines 6 and 9)	10.		0.00

Tax on General Rate Property

11. Enter amount from Line Q on page 2 of this form	11.	35,000.00	
12. Enter amount from Line 4 above	12.	0.00	
13. Enter amount from Line 7 above	13.	0.00	
14. Subtract Lines 12 and 13 from Line 11	14.	35,000.00	
15. Tax rate (includes 0.002 Clean Water Fund 32 V.S.A. § 9602a)	15.	0.0145	
16. Tax due on General Rate Property (Multiply Line 14 by Line 15)	16.		507.50

TOTAL TAX DUE

17. Add Lines 10 and 16. Enter here and on Line S on page 2 of this form	17.		507.50
--	-----	--	--------

LOCAL AND STATE PERMITS AND ACT 250 CERTIFICATES

The parties are hereby given notice that:

- * The property being transferred may be subject to regulations governing potable water supplies and wastewater systems under 10 V.S.A. chapter 64 and building, zoning and subdivision regulations;
- * The property being transferred may be subject to Act 250 regulations regarding land use and development under 10 V.S.A. chapter 151;
- * The parties have an obligation to investigate and disclose knowledge regarding flood regulations affecting the property.

To determine if the property is in compliance with or exempt from these rules, contact the relevant agency. Contact information is provided in the instructions on page 6.

WITHHOLDING CERTIFICATION

Buyer(s) certifies that Vermont income tax has been withheld from the purchase price and will be remitted to the Commissioner of Taxes with Form RW-171 within 30 days from the transfer.

OR that the transfer is exempt from income tax withholding for the following reason (check one):

- 1. Under penalties of perjury, seller(s) certifies that, at the time of transfer, each seller was a resident of Vermont or an estate.
- 2. Buyer(s) certifies that the parties obtained withholding certificate number _____ from the Commissioner of Taxes in advance of this sale.
- 3. Buyer(s) certifies that sale is a sale without condition (see instructions for Form RW-171).
- 4. Seller(s) is a mortgagee conveying the mortgaged property to a mortgagee in a foreclosure or transfer in lieu of foreclosure, with no additional consideration.

For Town Use Only

Form PT-172, Page 3 of 4
Rev 06/15

Buyer #1 or Entity PAINT RANZ SCHNEIDER
 SSN or FIC _____
 Property Location 17 DORSEY AVENUE GREENSBORO VT
 Date of Closing 04 19 2016



* 1 5 1 7 2 1 4 5 6 *

Transferor and Transferee state that the information submitted on this return is true, correct and complete to the best of their knowledge.

Prepared by (print or type) WILLIAM BOYD DAVIES ESQ
 Preparer's Address PO BOX 303 Buyer's Representative GRAHAM GOVONI ESQ
BARTON VERMONT 05822 Buyer's Representative Telephone 802 888 7800

Town or City: Please forward original to the VT Department of Taxes within 30 days of receipt.

THIS SECTION TO BE COMPLETED BY TOWN OR CITY CLERK

Worksheet 56 Page Number 13 Grand List year of 2015
 City/Town Greensboro Date of Record 04 19 2016
MM DD YYYY
 Sale Price 72,500.00 Parcel ID Number 416-0083
 Grand List Category 15 SPAN 264-083-10331

ACKNOWLEDGMENT

Return received
 SIGNED Kend Heare Ass. T. Clerk DATE April 19, 2016

* Please use the following numeric two-digit grand list category codes

Residential <6 Acres	01	Seasonal >6 Acres	06	Utilities Other	11
Residential >6 Acres	02	Commercial	07	Farm	12
Mobile Home/Un	03	Commercial Apt	08	Other	13
Mobile Home/1 a	04	Industrial	09	Woodland	14
Seasonal <6 Acres	05	Utilities Elec	10	Miscellaneous	15

For Town Use Only

Form PT-172, Page 4 of 4
 Rev 06/15

HIGHLAND LODGE

Exhibit # 1

Admitted

ON CASPIAN LAKE
GREENSBORO, VERMONT

Dear Greensboro and our Development
Review Board ~

I support the Old Firehouse at 83 Breezy
Avenue remaining a public building.
Not only is it historically a municipal building
for our residents, hence its location and
name, but it is a valuable space in the
area for economically-friendly events
welcoming to larger groups of people.

We at Highland Lodge and many other
businesses appreciate their events and as
residents we consider the building a welcome
part of the cultural community.

Sincerely,

Hadi Lawen Tohe
Resident & Business Owner



Admitted Exhibit # 2

June 16, 2017

Dear Members of the DRB,

I am writing in support of the cultural and social benefit the Old Greensboro Fire House has been providing as a public space. I urge the DRB to allow public events to continue and want to remind the Board that the use of the space is consistent with many of the goals articulated in the Town Plan. Ultimately, we want life in our village and the events that have been happening at the Old Firehouse are a huge net benefit to the community as a whole. I have watched an amazing cross section of our community enjoying themselves and I hope you understand that zoning is ultimately a tool to build livable communities, not a tool to kill them.

Sincerely,



Mateo Kehler

6/28/2017

Gmail - Appeal by Naomi Ranz

Exhibit # 3

Absent



Audrey DeProspero <audreydeprospero@gmail.com>

Appeal by Naomi Ranz

2 messages

DAVID LAMBERT <lambertda@msn.com>
To: "zoning@greensborovt.org" <zoning@greensborovt.org>

Mon, Jun 26, 2017 at 9:13 AM

To the Greensboro Development Review Board:

I support maintaining the Old Fire House, located at 83 Breezy Avenue as a public building. Maintaining this property at its current status will be a great asset to the Greensboro community.

Mollie Lambert
Breezy Avenue
Spahr Road

DAVID LAMBERT <lambertda@msn.com>
To: "zoning@greensborovt.org" <zoning@greensborovt.org>

Tue, Jun 27, 2017 at 7:24 AM

From: DAVID LAMBERT <lambertda@msn.com>
Sent: Monday, June 26, 2017 9:13 AM
To: zoning@greensborovt.org
Subject: Appeal by Naomi Ranz

[Quoted text hidden]

Exhibit # 4
Admitted

Andrew Meyer
3707 Bridgman Hill Rd
Hardwick, VT 05843

June 28, 2017

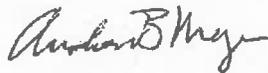
Greensboro Development Review Board
P.O. Box 119
Greensboro, VT 05841

Dear Members of the Development Review Board,

I am writing to support the Old Firehouse located at 83 Breezy Ave remain a Public Building. This building has served and should continue to serve as a space for community gatherings. Whether it's an art show, dance or pot luck dinner, the Old Firehouse is an asset to not only Greensboro, but the surrounding communities.

As a taxpayer in the town of Greensboro, I hope you consider allowing the Old Firehouse to be used for public events.

Sincerely,



Andrew Meyer

Exhibit # 5
Submitted

From: Kristen Leahy
894 The Bend Road
Greensboro, VT 05841

To: Greensboro Development Review Board
c/o Greensboro Town Offices

Date: June 29, 2017

Submitted Electronically

Dear Members of the Greensboro Development Review Board;

Please accept this letter of support for Naomi Ranz-Schleifer's appeal of the Greensboro Zoning Administrator's decision.

The property in question, 83 Breezy Avenue, is located within the Greensboro Village District (Section 2.3, page 13) and has historically served as the Fire Station for the Town of Greensboro. Fire Stations are included in the Greensboro Village District under the conditional use category of "12. **Public Building.**" The following definition of a Public Building is found on page 80:

"Public Building: buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue, and fire stations; and public utilities and services."

The definition of a **Public Building** does not contain a test of "town" ownership. While certain uses within the category are typically owned by Towns (such as police stations, etc), other uses are generally owned by private or non-profit organizations (hospitals, houses of worship).

The former Fire Station also could be viewed as a "**public facility**" – a term which relates to the State of Vermont's statute of limitations on municipal bylaws. Public facilities are defined as follows in Section 3.6 on page 19.

"Public Facilities:

1. State or community owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals
5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159,
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. Section 6606(a)."

The definition of a **Public Facility** does contain references to the ownership of the property. However, the Greensboro Zoning Bylaw does not utilize "public facility" as a category of the conditional uses in the

Greensboro Village District. The Bylaw only recognizes the "public building" as a possible conditional use.

Ms. Ranz-Schleifer's stated use of 83 Breezy Avenue is that of a museum. Museums are included in the public building category. In addition, the Bylaw does not include a definition of a "museum" or requirements of standard for the museum structure.

Also at question is the use of the "public building" for gatherings which include the transfer of donation funds. This usage is in keeping with the manner in which other public buildings are utilized in Greensboro. The Greensboro Free Library, the Historical Society, and the United Church of Christ all host events which allow patrons to make a donation for attendance. Any change to that policy would be an issue for the Greensboro Select Board to remedy by ordinance. The Greensboro Zoning Bylaw is definitely silent on this issue.

Of course, the "public building" conditional use category is extremely large and diverse (as is "commercial use") and should perhaps be refined. The Planning Commission may wish to update or change the categories. However, as they are written, the property at 83 Breezy Avenue has not changed in use and should be allowed to continue as a privately-owned museum.

Many thanks for consideration of my thoughts on this matter.

Best Wishes,
Kristen Leahy
Greensboro, VT



Exhibit # 6
Admitted

Development Review Board
Town of Greensboro
P.O. Box 119
Greensboro, Vermont 05841

Dear Sir or Madam,

I am writing this letter to show my support for the Old Firehouse at (83 Breezy Ave) to remain a public building.

Thank You
Joann LaCasse
Greensboro Garage
103 Breezy Ave.
Greensboro, VT. 05841

Exhibit # 7
Admitted

Development Review Board
Town of Greensboro
P.O. Box 119
Greensboro, Vermont 05841

Noeleen McIntyre
48 Breezy Ave
Greensboro, VT 05841

Dear Greensboro zoning board,

It has come to my attention that the property (83 Breezy Ave) that Naomi Ranz recently purchased is being threatened to lose its public status. I disagree with this decision based on the understanding that this property was sold under the pretense that it is and has no reason to change its status as a public property. In addition Naomi's vision for the space benefits our community.

Please take a second look at this decision. As a neighbor and someone who will be impacted by the property under Naomi's ownership, I fully support 83 Breezy Avenue as a public zone.

Sincerely,
Noeleen McIntyre

Exhibit # 8
Admitted

To the Greensboro Development Review Board:

I support maintaining the Old Fire House, located at 83 Breezy Avenue as a public building. Maintaining this property at its current status will be a great asset to the Greensboro community.

Mollie Lambert

Breezy Avenue

Spahr Road

Exhibit # 9
Admitted

Dear Members of the DRB,

Vibrant communities thrive on a diversity of people--different ethnicities, races, ages, and income levels create tolerant and lively cultural mixes. Our community obviously lacks such diversity. As I understand it, the Old Firehouse was providing a place where younger members of our community could meet and socialize and not feel out of place among a majority of people two generations older, as in most of Greensboro's public forums. We need to encourage efforts to make our community more welcoming to all of its residents; we need more, and more diverse public spaces, where younger people can enjoy and contribute to our community. Please allow the Old Firehouse to remain a public building so it can add to the cultural life of our community.

Dan and Pat Cohen
Greensboro Resident, 275 Shatney Rd

Exhibit # 10
Admitted

Dear DRB members,

I would like to express my support for maintaining the 'Public Building' status of the Old Firehouse located at 83 Breezy Avenue in Greensboro.

This building has been there as long as most of us can remember and is as much part of the special line-up on Breezy Avenue that sweeps down to Willey's Store as all the other buildings are. It has a new owner and that is good news; now let's allow it to have a new life.

It would be yet another asset for Greensboro to be able to boast of a small but iconic public space to be used periodically for special events. It would be a way of honoring Greensboro's past and opening up opportunities for the future. It's a way of saying publicly that Greensboro welcomes innovative and inspired ventures by people who want this community to live whilst preserving its history and heritage.

Eliza BURNHAM
1271 Craftsbury Road

Exhibit # 11
Admitted

Karen & George Gowen

261 Country Club Road
Greensboro, VT 05841

June 28, 2017

Town of Greensboro
P.O. Box 119
Greensboro, VT 05841

To Whom it May Concern,

We would like to state our support in favor of the Old Firehouse (83 Breezy Ave.) remaining a Public Building. It is a wonderful asset to the community and can serve as a space to share art and gather multi-generations to foster community spirit.

Sincerely yours,

Karen & George Gowen

Exhibit # 12

Admitted

Bliss Perry Cottage
393 Breezy Ave.
Greensboro, Vermont 05841

DRB
Greensboro Town Hall
Greensboro, Vermont 05841

Dear DRB,

This letter, from the owners of the Bliss Perry Cottage next to Circus Smirkus Camp, is in support of the Old Firehouse at 83 Breezy Ave., remaining a public building.

It's wonderful to have this building used for art and culture. Why not? More richness to all of us in Greensboro.

We urge you to reconsider this ruling and keep the Old Firehouse as a public building which will enrich all of us in Greensboro.

Sincerely yours,

Lynn Holbein and Alan Peterson, co-owners, Bliss Perry Cottage

Exhibit # 13
Admitted

June 19, 2017

Town of Greensboro
Development Review Board
PO Box 119
Greensboro, VT 05841

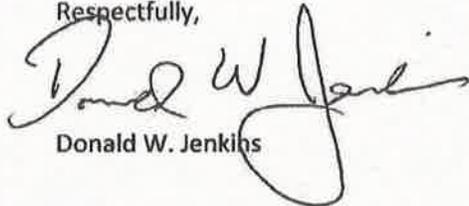
Re: 83 Breezy Ave., Greensboro, VT

Dear Development Review Board,

I am writing in support of Naomi Ranz-Schleifer's appeal that the Firehouse Museum be classified as a Public Building. I believe that the building serves a public need in its capacity as a museum, and, as Kristen Leahy states in her 2014 Zoning Evaluation "The use of the structure, as a Public Building....., could continue indefinitely without permission of the Greensboro Development Review Board."

Thank you.

Respectfully,



Donald W. Jenkins

166 Blockhouse Hill Rd.
Greensboro, VT 05841

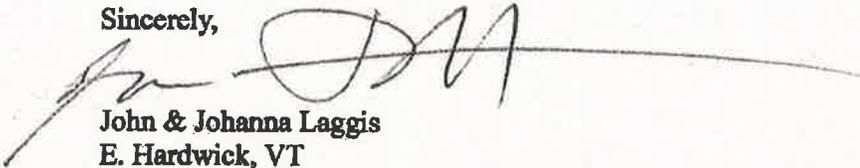
Exhibit # 14
Admitted

June 28, 2017

Dear Members of the Greensboro DRB,

We are writing to express our support of continuing to have the Old Greensboro Fire House used as a public space. Public gathering spaces are critical for enhancing quality of life in rural places. We have attended several events at the Fire House over the past year. The events were attended by young and old and we left with an increased appreciation for all the good that is happening in our community.

Sincerely,



John & Johanna Laggis
E. Hardwick, VT

Exhibit #15
Admitted

DAVID F. KELLEY
ATTORNEY AT LAW
1501 SHADOW LAKE ROAD CRAFTSBURY COMMON, VT 05827

June 28, 2017

Development Review Board
Town Office Building
Greensboro, VT

Re: Appeal – DRB Warrant – Ranz – 062917

To the Board:

I have been asked to render an opinion with regard to the above referenced matter.

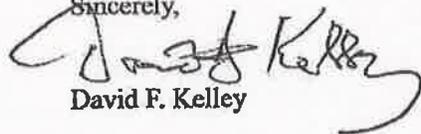
My understanding of the facts, in a nutshell, is that dances have been or are being held in the Old Firehouse in the Greensboro Village District and that the Greensboro Zoning Administrator has written to the appellant, Naomi Ranz-Schliefer informing the appellant that she must obtain a Conditional Use Permit from the DRB because the Zoning Administrator has determined the use at issue falls within the definition of a “Club, Private or Camp” as set forth at Page 74 of the Greensboro Zoning By Laws which is a Conditional Use within the Village District. Said definition is as follows:

“Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.” [emphasis added].

My understanding of the facts is that the activity in question does NOT fall within the definition of “Club, Private or Camp.” The dancing is not “available primarily to members only” but is instead open and available to the general public. As such the Zoning Administrator's determination dated May 10, 2017, is incorrect and the basis upon which she claims a Conditional Use permit is needed is likewise incorrect.

I hope this will help with your deliberations.

Sincerely,


David F. Kelley

DAVID F. KELLEY
ATTORNEY AT LAW

1501 SHADOW LAKE ROAD CRAFTSBURY COMMON, VT 05827

Rendered opinion
as the request of
Carolyn Oehler

June 28, 2017

Development Review Board
Town Office Building
Greensboro, VT

Re: Appeal -- DRB Warrant -- Ranz -- 062917

To the Board:

I have been asked to render an opinion with regard to the above referenced matter.

My understanding of the facts, in a nutshell, is that dances have been or are being held in the Old Firehouse in the Greensboro Village District and that the Greensboro Zoning Administrator has written to the appellant, Naomi Ranz-Schliefer informing the appellant that she must obtain a Conditional Use Permit from the DRB because the Zoning Administrator has determined the use at issue falls within the definition of a "Club, Private or Camp" as set forth at Page 74 of the Greensboro Zoning By Laws which is a Conditional Use within the Village District. Said definition is as follows:

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I hope this will help with your deliberations.

Sincerely,

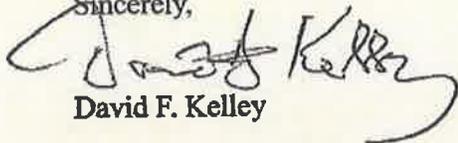

David F. Kelley

Exhibit # 16
Admitted

I, the undersigned, support 83 Breezy Ave. remaining a public Building.

Name	Address	contact info
Lynette Courtney	279 The Bend Rd	533-9836
PER COURTNEY	279 THE BEND RD	533-9836
Emily Stone	3666 Craftsbury Rd	533-2351
Karen Klotz	177 Holton Hill, Hardwick	472-9034
JERRY SCHWABER	"	"
Lise Hamel	3231 Bayley Nazan Rd. E. Hardwick	472-6350
Lawrence W Hamel	"	"
Ch. Luber	2858 Tom Hill Rd.	(802) 498-4049
Margie Prevot	3534 Bayley Haze Rd.	
Julie Gullard	412 Richard Xing	533-7175
Anne McPherson	182 Popkln	E. Hardwick 472-3621
STEVE FORTMAN	269 HUNTER LANE	Hardwick 5356942
Allyson Hatch	81 Overate Drive	Newport Ctr 802 673-6790
Sunny Naughtin	25 Clough St	Newport 917.945.6280
Livy Bulger	" Newport	"
Tyler Buswell	1516 Gonyaw Rd	G. Bend 802-829-9430
LOUI PULVER	412 RICHARD XING	EAST HARDWICK 533 7175
M.R.T	WATER GATE - A. Lago, Vt.	05836
Marie Turmel	1013 King Farm Rd.	563-2057
Ben Kroeger	1013 King Farm	586-2350
Andrew Meyer	109 Spahr Rd	533-7750
Eve Passeltiner	1033 Leveau Rd	Swanton 274-5921
CHARLES SAUCIE	1033 LEROUX RD	802-535-7689
Neal Smith	North Rd, Fletcher VT	802 393 9633
Mary Johnson	Fitch Hill, Hyde Park VT	802-760-8209
Susan Ruhlberg	494 Highgate Rd Charlotte	802-425-2033

Exhibit # 17
Admitted

I, the undersigned, support 83 Breezy Ave. remaining a public Building.

Name	Address	contact info
Sally Ranz	2 Randolph Rd	ssranz@comcast.net
Chris Cavin	175 Randolph Rd	christinacavin@gmail
Vic Riggs	10 Randolph Rd	VicRiggs@gmail.com
Ezra Ranz-Schleifer	491 Country Club Rd	z2almay@gmail.com
Beth R. Riggs	10 Randolph Rd	rbriggs@midrivers.com
Lucile a. Brink	175 Randolph Rd.	lucileab123@gmail.com
Laura Bailey	10 Randolph Rd	lpcbailey3@juno.com
Brooks Cavin	2 Randolph Rd.	bmikec@yahoo.com
Tom A. Jany	2 Randolph Rd	tranz@comcast.net
Kelly Ranz	292 Richardson Rd	kellypapke@gmail.com
Beate	292 Richardson Rd	bnoltermann@gmail.com
Anna Kehler	PO Box 56 Greensboro	annakehler@gmail.com
CAROLYN Kehler	PO Box 56 Greensboro	Carolus Kehler
LOUIS L Pulver	412 RICHMOND XIVE East Hardsch	surfin, robbie@gmail.com
Victoria Von Hesse	Po Box 40, Greensboro	victoriavonhesset@gmail.com
Margtha Niemi	PO Box 126 Greensboro	MARTI Niemi 44@
Sharon W. Hord	3231 BAILEY HAZEN RD #1000	sharonhord@aol.com
Eileen Celwit	P.O. Box 155 Greensboro	ecelwit@earthlink.net
Barna Holbein	393 Breezy Ave	bholbein@rcn.com
Lynn Holbein	393 Breezy Ave	lynnholbein@gmail.com
Scott Donnelly	295 Breezy Ave	sdonnellyscott@gmail.com
Ana Harbison	P.O. Box 24, Greensboro	

Zoning Evaluation of the Former Fire Station
From the Greensboro Zoning Administrator
June 19, 2014

KL AS Gboro ZA

The following is not an endorsement of any particular available option for the Former Fire Station property, nor is it a legal opinion. This is a zoning evaluation for a non-conforming parcel of land with a non-conforming structure on site. These answers are to the best of my knowledge as the Greensboro Zoning Administrator, Kristen Leahy.

All page and section references are derived from the Greensboro Zoning Bylaw.

The Former Fire Station parcel is a non-conforming parcel in the Greensboro Village District. If this parcel were bare land, development would be prohibited. (See page 19, Section 3.5, C1 – in order to be developed, lots must have more than one – eighth of an acre in area).

However, there is a Non-conforming structure on this particular lot. The Former Fire Station is a Public Building, which is allowed in the Greensboro Village District by Conditional Use in our Zoning Bylaw. A Public Building is defined as “buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools, libraries; museums; post offices; police; rescue and fire stations; and public utilities and services.” (Page 80). The structure is Non-conforming (“any legal structure which is not in compliance with the provisions of this Bylaw concerning setback ...” Page 20, Section 3.8). The Non-Conformity is due to the inadequate setbacks from the parcel lines and because of the size of the lot.

The use of the structure, as a Public Building and as it is currently configured, could continue indefinitely without permission of the Greensboro Development Review Board (DRB). The structure could also be restored or renovated, as a Public Building, with a conditional use permit from the DRB (Section 3.8, page 20).

The most pressing issue or problem in converting this building to another permitted use would be the lack of a wastewater system. There is currently only one 2” water line with a garden hose attachment to the property and a drain inside the structure which accesses the exterior. No pre-existing system is in place. A wastewater system permit must be issued by the State of Vermont prior to the issuance of a building permit. (Page 34, Section 5.1). Furthermore, according to John Mackin from Greensboro Fire District #1, the Fire District intends to shut the water off at the road when the fire department has completely moved out of the Former Fire Station building. Mr. Mackin acknowledges that there is a water line to the building but, he also states that the GFD #1 has a policy that they do not provide water to a property unless there is a wastewater system in place at that property.

Most permitted and conditional uses of the structure would need a wastewater system. An Accessory Use or Structure does not require a wastewater system to be in place. However, our zoning definition of an Accessory Use or Structure is as follows “a building or use customarily incidental and subordinate to a principal building or use **on the same lot, or on an adjoining lot**”

under the same ownership.” (Page 72, emphasis added). Conversion of the Former Fire Station to an Accessory Structure would be permitted to an adjoining neighbor – Anastasio, Vermont Land Trust, and the Housing Foundation, Inc. A variance would need to be sought from the DRB to allow the use of the building as an Accessory Structure for any other owner who does not adjoin the parcel.

The conversion of this Public Building to a new Public Building would not require a conditional use permit if the conversion occurred within two years of the Fire Department departure. Furthermore, if the proposed project from the Town of Greensboro did need to seek approval from the Greensboro DRB, then Section 3.6 – Limitations on Municipal Bylaws – would be invoked. In particular, this section states that aspects of the project may only be reviewed “...to the extent that these regulations do not have the effect of interfering with the intended functional use.” (Page 19).

What can be done with this lot? Potential projects. (Not a full list)

- The building could be torn down and the parcel could be utilized for seasonal camping; RV placement for up to six weeks; temporary structures (up to six months); a parking lot; agricultural endeavors; or a sign placement. (In general, zoning permits would not be required in these instances).
- The building could continue to be a Public Building.
- The building could become a permitted Accessory Structure for an adjoining owner.
- The building could become an Accessory Structure for a non-adjoining owner with a variance permit from the DRB.
- The building could become a Non-conforming single –family or two-family dwelling if a wastewater system permit was obtained from the State of Vermont. The footprint could also be utilized if a conditional use permit was also granted by the DRB.
- Most conditional uses would be possible if approval was received from the DRB and a wastewater system permit was obtained from the State of Vermont. The exception would be Commercial Use or Home Businesses which are required to provide off-street parking. The approval of such projects would be questionable at best.

Exhibit # 20
Admitted

333 Commonwealth Avenue, Apt. 8
Boston MA, 02115
June 23, 2017

Greensboro Development Review Board
Town of Greensboro
PO Box 119
Greensboro, VT 05841

Re: 83 Breezy Avenue, Greensboro, VT

Dear Members of the Development Review Board:

I own the property at 82 Breezy Avenue. Greensboro, VT.

Public Building

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.

When the building located at 83 Breezy Avenue was transferred to a private individual or entity, it was no longer owned or operated by an organization established for a public, educational or religious purpose, and when its use as a fire house was discontinued, it no longer served a public need. It no longer satisfied either of the requirements of being a public building, and the zoning by-law requires that both requirements be met. At that point it was no longer a public building.

For this reason, I feel that the zoning administrator's decision that the building located at 83 Breezy Avenue is not a public building should be upheld, and this appeal should be denied.

Change in Use

Additionally, a public building is not permitted in the Greensboro Village District as a matter of right, but only as a conditional use, if approved by the Development Review Board and subject to any conditions that it may impose.

Even if the building at 83 Breezy Avenue could meet the requirements of a public building, which as indicated above I do not believe it does, a new conditional use permit would be required for the change in the use from a fire house to another use, since the use upon which its former status as a public building depended has been discontinued.

Any change in the use of any building is defined to be a land development, and Section 1.3(A) of the zoning by-law provides that “no land development ... shall commence ... except in conformance with the requirements of this By-law.”

A nonconforming use is a use that did not conform to the existing zoning by-law, but one that legally existed before the by-law was enacted. Because the use as a fire house complied with the existing zoning by-law, it was not a nonconforming use.

Even if it had been, however, and if there had been a right to re-establish the building as a fire house within 2 years of discontinuing such use pursuant to Sec. 3.8(B)(2), there was no right to change the use or to create a new one during that period without obtaining a conditional use permit, and there certainly is no such right now.

The statement that the building at 83 Breezy Avenue has been operated as a museum surprises me. I have owned the building across the street and spent summers there for many years and I have never received any notice or seen any indication that it was a museum. If the actual use of the building has in fact been changed to that of a museum, a conditional use permit would have been required for such a change in use, and I am not aware that any such permit has been issued. Furthermore, such a use, if permitted, would not encompass events such as those described in the correspondence of the zoning administrator dated March 17, 2017 and May 5, 2017.

Since a conditional use approval for a change in use has not been obtained for the property at 83 Breezy Avenue, the decision of the zoning administrator should be upheld and the appeal should be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patricia Ann Sullivan", written over a horizontal line.

Patricia Ann Sullivan

