

Conditional Use and Variance Hearing
Vince & Charlene Cabbage
May 21, 2018

To consider a Conditional use and variance request by Vince and Charlene Cabbage to rebuild a camp on their land at 51 Virginia Lane.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; 3.8 Nonconformities, 3.9 Protection of Water Resources, 5.3 Conditional Uses, 5.5 Variances, and 8.9 Nonconforming Uses and Structures within the Shoreland District.

Warnings were posted on April 30, 2018 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 the following abutters and neighboring property owners: Patricia & Nancy Sullivan, Alison Gardner, Susan R Williams Trust (Sarah & Rachel Williams), Lee L Dabney Revocable Trust, Kenneth D Jr & Gwen P Mann, and Martha H Niemi Revocable Trust (William B & Martha H Niemi Trustee) on April 30, 2018. It was also published in the Hardwick Gazette on Wednesday, May 2, 2018.

Development Review Board members present: MacNeil, Nat Smith, Jane Woodruff, Lee Wright, Linda Romans, BJ Gray, and Wayne Young (arrived 8:01pm).

Development Review Board members absent: Janet Travers

Others present: Vince Cabbage, applicant; Nancy Sullivan, Lenny Schiavone, Bill & Martha Niemi, Marina Kelly, Alison Gardner and Audrey DeProspero, Zoning Administrator.

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

- #1 Email from Gwen & Tod Mann
- #2 Email from David and Evangeline Kelly
- #3 Letter from Bob & Carol Calcagni
- #4 Email from John Schweizer

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:11 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing. Ms. Woodruff then asked Mr. Cabbage to explain what he wanted to do on his property at 51 Virginia Lane.

Mr. Cabbage discussed plans for the property and the persons contacted to help with his project. He noted he and his family would use the structure as a lakehouse and would live in their other house. He would like to move the house away from the lake. Mr. Cabbage has hired a tree cutter / arborist to identify any dead and diseased trees on his lot which will be removed at the time of the house demolition. Mr. Cabbage spoke of making contact with numerous persons such as the site engineer, Patrick Larson, regarding the utility locations in regards to connection with the Niemi camp; possibly installing solar and being power neutral on the grid; and contacting the state regarding wetlands and finding out that the land has been confirmed not to be a wet land location.

Mr. Young noted the new house must be at least 20' from the Williams property line per the Shoreland Protection District "dimensional standards."

The DRB recognized that this could be accomplished in a variety of ways and/or any combination such as moving the foot print back toward the Sullivan property line, or moving the footprint further from the lake or making the footprint slightly smaller on that northeast side. The new footprint cannot be any closer to the Sullivan property line than the present house is.

The hearing ended at 8:18 pm. The Board went into deliberative session at 8:20 pm and came back into public session to announce their decision at 9:50 pm.

Findings of Fact:

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

2.7 Shoreland Protection District

The camp is a pre-existing non conforming residential camp structure within the shoreland protection district.

5.4 Conditional Uses

B) General standards

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

- 1. the capacity of existing or planned community facilities.*
- 2. the character of the area.*
- 3. traffic in the vicinity.*
- 4. by-laws and ordinances presently in effect. There is an adverse effect on this by-law because the applicant wants to move the footprint on the property. By-law considered in Variance 5.5*
- 5. the utilization of renewable energy resources.*

C) Specific Standards:

- 1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district. Pre-existing lot.*
- 2 Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district. Pre-existing lot.*
- 3. Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area. N/A*
- 4. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located. N/A*
- 5. The proposed structure is compatible with other structures in the area. Wherever the structure is put on the lot it will be comparable.*
- 6. The proposed structure adheres to the uses allowed in the relevant district. Pre-existing.*
- 7. The proposed structure will not affect the noise or air pollution in the area.*

5.5 Variances

A) Variance Criteria

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located. Set back 20 feet needs to be met on the NE side (Williams)

2. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.

3. The unnecessary hardship has not been created by the applicant.

4. If authorized, the variance will not:

- a) alter the character of the neighborhood or district*
- b) impair the use or development of adjacent property*
- c) reduce access to renewable energy resources*
- d) be detrimental to the public welfare*

5. The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.

Decision and Conditions

Based upon these findings, the Development Review Board voted (6-1) to approve the Variance and

Conditional Use with Conditions.

Conditions: (continued on next sheet)

1. Meet setback of 20 feet from the NE property line (Williams)
2. Building and chimney must meet height requirement of 30 feet from ground level
3. Building to be moved back from the lake as in the original proposal
4. Any and all necessary state and federal permits must be in place before construction can begin.
5. Erosion prevention and sediment control standards must be followed as noted in Section 8.11

Signed:


_____, chair
Nat Smith for Jane Woodruff


_____, clerk
Audrey DiProspero for Janet Travers

date May 30, 2018

date 5-30-18

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.

