

Conditional Use and Variance Hearing
Valerie and Charles Carter
August 13, 2019

To consider conditional use and variance requests by Valerie and Charles Carter to tear down and rebuild a storage shed on their property at 99 Spahr Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; 5.4 Conditional Uses, and 5.5 Variances.

Warnings were posted on July 22 at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Anne Sangree Parke, Carl & Sarah Sangree, and John Reynolds on July 22, 2019. It was published in the Hardwick Gazette on Wednesday, July 24, 2019.

Development Review Board members present: BJ Gray, MacNeil, Linda Romans, Nat Smith, Lee Wright, Wayne Young, Janet Travers (alternate) and Mike Metcalf (alternate),

Development Review Board members absent: Jane Woodruff

Others present: Valerie and Charles Carter, applicants; Audrey DeProspero, Zoning Administrator; and abutters Anne Parke and Carl Sangree.

Correspondence from interested persons:

Email letter from Carl Sangree, abutter

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

An emailed letter from Carl Sangree

Summary of Discussion

Mr. Smith, vice chair, began the hearing at 7:02 PM. He 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. Mr. Smith then asked Ms. Carter to explain what she wants to do on her property at 99 Spahr Road. She would like to replace the present garage/storage shed with a new one on the same footprint and with the same dimensions and height as the present structure. Mr. Sangree, an abutter, then spoke. He doesn't have an objection to the replacement of the building, but requests a privacy hedge between his land and Ms. Carter's property. In addition, he would like the work to be done between Labor Day and Memorial Day to minimize the noise of construction to the surrounding camps. Ms. Carter said that if the application is approved, her contractor is planning to do the job either this September or October. The hearing ended at 7:14. The Board went into deliberative session at 7:15 and came back into public session to announce their decision at 7:40.

Before deliberations began, the Board addressed the question of whether both Conditional Use and Variance standards needed to be addressed. After consulting the by-laws and much discussion, Mr. Metcalf made a motion that the Board need only address the Conditional Use requirement. Ms. Romans seconded the motion. It was passed unanimously (8 - 0).

Findings of Fact:

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

2.7 Shoreland Protection District

The proposed structure would be rebuilt on the pre-existing, non-conforming footprint and lot. The dimensions and height of the proposed building will be the same as the pre-existing structure.

5.4 Conditional Uses

B) General standards

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

1. *the capacity of existing or planned community facilities.* The proposed structure would not affect community facilities.

2. *the character of the area.* Although the building would be new construction, it would be built on the same footprint with the same dimensions as the present structure and not affect the character of the area.

3. *traffic in the vicinity.* Traffic would not increase enough to affect the area.

4. *by-laws and ordinances presently in effect.* The structure would not have an effect on the by-laws or ordinances presently in effect.

5. *the utilization of renewable energy resources.* Not applicable.

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.* This is a pre-existing, nonconforming lot.

2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* This structure will be built on a pre-existing, nonconforming footprint.

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.*

The landowner is urged to add discreet screening between this property and Mr. Sangree's property.

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.* There will be no signs on the property.

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

6. *The proposed structure adheres to the uses allowed in the relevant district.* A storage shed/garage is an allowed structure in the Shoreland Protection District.

7. *The proposed structure will not affect the noise or air pollution in the area.* The proposed structure will not add undue noise or air pollution to the area.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (6 – 0 alternates do not vote) to approve the application with the following conditions:

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Landscaping will be added for screening.
3. Electricity may be installed.
4. No plumbing may be installed.

Signed:


_____, vice chair
Nat Smith
date 8-15-19


_____, clerk
Janet Travers
date 8-15-19

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.