

Conditional Use Hearing  
Nicholas & Susanna Gunther  
November 12, 2019

*To consider a conditional use request by Nicholas & Susanna Gunther to tear down and rebuild a garage on their property at 154 Gunther Lane.*

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 8.9 Nonconforming Structure within the Shoreland Resource Zone.

**Warnings** were posted on Monday, October 21, 2019 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: Katrina Taylor, Cornelia Potter and Stephen Ferber, Liza Fairfax Carter, and Zoe Fitzgerald Carter and Joseph Guth, Trustees of the Guth/Carter Living Trust on Monday, October 21, 2019. It was published in the Hardwick Gazette on Wednesday, October 23, 2019.

**Development Review Board members present:** Linda Romans, Nat Smith, Lee Wright, Wayne Young, and Janet Travers (alternate)

**Development Review Board members absent:** B.J. Gray, MacNeil (recused), Jane Woodruff, Mike Metcalf

**Others present:** Patrick Kane, architect; MacNeil, contractor; and Lise Armstrong

**Correspondence from interested persons:**

None

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

#1 Mitigation Plan

**Summary of Discussion**

Mr. Smith, vice chair, began the hearing at 7:08 PM. He noted the hearing was quasi-judicial and asked the clerk to swear in all those who wished to speak at the hearing. Mr. Smith then asked Mr. Kane to explain what the Gunthers want to do on their property at 154 Gunther Lane. Mr. Kane said the old garage on the property will be torn down and rebuilt on the same footprint so the Gunthers can store their car over the winter. The proposed building will be built on a concrete slab but will otherwise be the same as the present building with the addition of a second story for storage, making the height 25 feet at the peak. It will still have a gable roof with the same pitch and overhang as the present building, but it will have a metal roof. There will be gravel drip bed for run-off from the roof. Windows will be added on the sides and there will be an internal stairway to the second floor. It is 70 feet from the lake (the bylaws require 150 feet), but the view from the lake is obscured by trees and bushes.

The hearing ended at 7:20. The Board went into deliberative session at 7:25 and came back into public session to announce their decision at 7:45.

When the Board went into deliberative session, they first discussed whether the submitted mitigation plan (exhibit #1) was necessary. It was decided unanimously that it was not needed since there was not an expansion of the footprint.

## **Findings of Fact:**

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

### **2.7 Shoreland Protection District**

Standard lot size in this district is 1 acre. This property is 1.99 acres.

The distance of the present garage to the right lot line is 270 feet, 46 feet to the left side, and 116 feet to the rear. The by-laws require a structure to be 20 feet from the adjoining lot lines.

The distance to the lake is 70 feet. The by-laws require 150 feet.

The present garage is a pre-existing, non-conforming structure since it is not 150 feet from the lake. It complies with all other dimensional standards.

The proposed structure would be built on the same footprint as the present building. The height would be increased from 16 feet to 25 feet which is within the 30 foot height requirement in the bylaws. The roof surface will be comparable to the existing roof so there will be no increase in surface run-off. A mitigation plan was presented to the Board. (See exhibit #1)

### **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. There will be no effect.*
- 2. the character of the area. There will be no effect.*
- 3. traffic in the vicinity. There will be no effect.*
- 4. by-laws and ordinances presently in effect. There will be no effect.*
- 5. the utilization of renewable energy resources. There will be no effect.*

#### *C) Specific Standards:*

- 1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district. The lot meets the size requirements.*
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district. Although the garage doesn't meet the setback from the lake, it is a pre-existing, nonconforming structure and is exempt. It meets all other setbacks.*
- 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. Trees and shrubs are already in place to screen the building from view from the lake.*
- 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.*
- 5. The proposed structure is compatible with other structures in the area. It will be compatible with other structures in the area.*
- 6. The proposed structure adheres to the uses allowed in the relevant district. A garage adheres to the allowed uses in the area.*
- 7. The proposed structure will not affect the noise or air pollution in the area. It will not affect the noise or air pollution in the area.*

### **8.9 Nonconforming Structures within the Shoreland Resource Zone**

The present structure is a non-conforming accessory structure. The new structure will not increase the non-conformity.

## Decision and Conditions

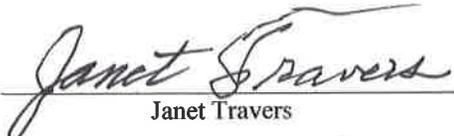
Based upon these findings, the Development Review Board voted unanimously (5 – 0) to approve the application. (Alternates vote in the absence of Board members.)

### Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. As stated in by-law 8.9 (A6) all erosion prevention and sediment control standards must be followed. (standards found in by-law 8.11)

Signed:

  
\_\_\_\_\_, vice chair  
Nat Smith  
date Nov. 14, 2019

  
\_\_\_\_\_, clerk  
Janet Travers  
date 11-14-19

### 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.