

APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE
FOR RECONSTRUCTION OR RELOCATION OF NONCONFORMING STRUCTURES
IN THE SHORELAND PROTECTION DISTRICT
TOWN OF GREENSBORO
PO Box 119, Greensboro, VT 05841
(802) 533-2640 Fax (802) 533-2191
zoning@greensborovt.org

FOR ADMINISTRATIVE USE ONLY

Application Number: 2020-041 Tax Map Number 23-20-51
Zoning District Shoreland Protection District
Date Application Received 9/21/2020 Fee Paid \$ 240⁰⁰ 9-21-2020 C.C.
Reason for Seeking Conditional Use Permit or Variance:

Rebuild of a Nonconforming structure on a Nonconforming lot.
2.7 Shoreland Protection District; 5.4 Conditional Use; 8.9 Nonconforming Uses;

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the *Town of Greensboro.* + Structures Within the Shoreland District.

Applicant(s):

Name(s): Diane (Lisa) Yokana
Mailing Address: 170 Pondfield Road West, Bronxville NY 10708
Telephone(s) Home: 914-244-1733 Work: _____ Cell: 914-523-1610
E-Mail: lisayokana@gmail.com

Landowner(s) (if different from applicant(s)):

Name(s): _____
Mailing Address: _____
Telephone(s) Home: _____ Work: _____ Cell: _____
E-Mail: _____

Physical Location of Property (911 address):

195 Church Lane, Greensboro VT 05841

Type of Permit:

Conditional Use Variance

Permits Which May Be Necessary:

State Septic & Potable Water Permits - required prior to approval No Plumbing in Structure

Pre-development Submission Requirements:

- An existing condition site assessment providing slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.
- A map drawn to scale showing the location, extent and type of proposed Development and land disturbance and its proximity to the Shoreland Buffer Resource Zone and Lake. The plan shall include consideration of low impact development concepts as recommended in the Vermont Low Impact Development Guide for Residential and Small Sites.
- An erosion and sediment control plan that incorporates accepted management practices as recommended by the state of Vermont is The Low Risk Site Handbook for Erosion Prevention and Sediment Control.

Property Description:

Acreage in lot 0.17 Acres (7,278.41 SF)

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 52.10 Feet on Utility Easement Extension of Church Lane

Setbacks:	Front <u>155'</u> (to center of road)	Left Side <u>6'</u> (South Lot Line)
	Right side <u>20'</u> (North Lot Line)	Rear <u>10'</u> - Same as Caspian Lake Setback
	Lakeshore <u>10'</u> from Caspian Lake	Shoreline Frontage <u>40'</u>
	Lot Width <u>40' @ Lake/ 52' @ Road</u>	Lot Depth <u>+/- 160'</u>
	Other <u>Existing Shed Structure</u> is on a separate lot than the Residence on 168 Church Lane	

Dimensions of Proposed and Existing Buildings:

Existing:

Length <u>12 Feet</u>	No. of Stories <u>1</u>
Width <u>12 Feet</u>	
Height <u>11 Feet</u>	

Proposed:

Length <u>12 Feet</u>	No. of Stories <u>1</u>
Width <u>12 Feet</u>	
Height <u>14 Feet</u>	

Lakeshore District Properties, please indicate the total habitable floor area of the dwelling: 140 SF
Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") Existing non-conforming Shed Structure and Deck

Proposed use and occupancy. (Write whether it will be seasonal or full year. If you decide to change the use of your property later you may need another permit.) Rebuild existing non-conforming Shed Structure and Deck in same footprint

Sketch or attach a general plot plan showing the following:

1. Location of property. See attached Exhibit A
2. Location of buildings on property. See attached Exhibits B & C
3. Location of driveway. NA - No Driveway Proposed/No Vehicle Access
4. Location of water source and septic/waste water system. NA - No Existing Plumbing/No Plumbing Propose

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration. (This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

See Exhibits D.1, D.2, D.3 - Photo montage/ isometric views/plans & elevations

If the property is sited within the buffer area of a major water body (within 75' of Caspian or Eligo Lakes, 50' of Horse & Mud Ponds, 100' of Long Pond, or 25' of any river or stream), **please attach a landscape design plan for your project. Include types of plantings, landscape materials to be utilized and size and location of access paths.** *New lawns shall not extend into the buffer.*

See Exhibit C - Site Plan showing proposed Shed Structure/Deck rebuilt in current structure/deck footprint, re-alignment of lake path, areas of replanting with native plants (based on best practices as recommended by DEC Native Vegetation for Lakeshores, Streamsides and Wetland Buffers) and access path (to remain unsurfaced/natural)

Mitigation Measures:

Mitigation is an action required of a shoreland property owner designed to compensate for shoreland buffer lost to impervious surfaces within the Shoreland Protection District.

In circumstances where nonconforming structures are permitted to be expanded or reconstructed within the Shoreland Buffer Resource Zone, the Development Review Board (DRB) shall require the shoreland property owner to create and adhere to an approved mitigation plan.

Measures which may be included in such a plan are as follows:

- **Buffer Restoration.** Returning mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation in order to restore the lakeshore buffer. **Must be part of the approved mitigation plan.**
Proposed re-alignment of lake path off the lake berm and replanting of current lake path
- **Rain Gardens.**
- **Implementation of erosion and stormwater runoff controls.** Creating runoff capture and building infiltration structures to prevent stormwater runoff from reaching the lake.
Proposed filtration/erosion control measures at foundation/footprint of Shed Structure
- **Removal of nonconforming or obtrusive accessory structures** within the shoreland setback area.
Rebuild existing non-conforming Shed Structure/Deck in same footprint
- **Additional site specific requirements** can be determined by the Development Review Board before final plan approval, based on a review of site conditions and the need for any special buffer area protection or restoration measures.
Minimize construction impact on existing trees/vegetation and mitigate/minimize damage from construction by doing site work in early winter

Please provide the DRB with your proposed mitigation plan. Suggestions and descriptions of various mitigation measures are available from the Zoning Administrator or on-line at www.greensborovt.org/zoning.

Proposed Mitigation Measures

- Silt screen barriers at lake during demolition/construction
- Low impact foundation - precast concrete footings on bed of gravel - no impervious materials
- Foundation drainage - perforated PVC drainage pipe with silt screens around perimeter of foundation excavation/gravel infill to filter site runoff
- Improve filtration/drainage/erosion control at lake berm in existing areas of erosion/site runoff
- Re-aligning lake path (with permission from all abutters) off lake berm further away (+/- 15') from lake - use wood chips to level re-aligned lake path
- Re-planting existing lake path with planting recommended by DEC/DRB to stabilize lake berm and return to its natural state
- Existing access path from Church Lane utility easement to Shed Structure will be returned to its current natural state after construction - no path improvement or resurfacing proposed
- Construction work to be done in early winter to minimize impact on natural vegetation during excavation and material removal/delivery
- Removal of existing Shed Structure/Deck prior to excavation for foundation to minimize construction equipment impact on site (excavator will work within existing building footprint)

Conditional Use Criteria:

At your DRB hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"The DRB shall make its findings on general and specific standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on the following:

1. The capacity of existing or planned community facilities; (e.g. schools, police and fire service, etc.);
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan (e.g. why your project is consistent with other uses in the area or how your project fits in with existing development);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question;
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
 - (a) No free standing internally lit signs shall be permitted
 - (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
5. Location on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered."

(Page 36 in the Greensboro Zoning By-Laws).

Variance Criteria:

"The DRB may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and findings are specified in its written decision.

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 particular 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;
2. Because of these physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not:
 - a) Alter the essential character of the neighborhood or district in which the property is located;
 - b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - c) Reduce access to renewable energy resources;
 - d) Be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan." (Pages 37 & 38 of the Greensboro Zoning By-Laws).

At your DRB hearing, you will be asked to present your proposal. Please be prepared to explain why your project should be granted a variance.

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

Construction may not be started until 15 days from the date of approval on this permit.

Signature of Applicant(s) Diane E. Yolkane Date 09/25/2020

Signature of Landowner(s) Diane E. Yolkane Date 09/25/2020
(All landowners must sign)

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0127.

FOR ADMINISTRATIVE USE ONLY	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Referred to the Development Review Board	
Date <u>9-21-2020</u>	Signature <u>[Signature]</u>
Remarks and/or Conditions: _____	

Date of Approval or Denial by Development Review Board: _____	

Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date) _____	
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date) _____	