

Conditional Use Hearing
Diane (Lisa) Yokana
October 21, 2020

To consider a conditional use request by Diane (Lisa) Yokana to rebuild a structure on her property at 195 Church 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 Non-conforming Uses and Structures in the Shoreland Protection District.

Warnings were posted on September 23, 2020 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 Luanne Murray: the Brown Trust; and David and Margaret Altman on September 23, 2020. It was published in the Hardwick Gazette on Wednesday September 30, 2020.

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

Development Review Board members absent: MacNeil, Jane Woodruff

Others present: Diane (Lisa) Yokana, applicant; Blake Auchincloss, Bill Hardy, and Brett Stanciu, Zoning Administrator.

Correspondence from interested persons: none

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion

Mr. Smith, vice chair, began the hearing at 7:00 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. Ms. Woodruff then asked Ms. Yokana and Mr. Auchincloss to explain what they want to do on their property at 195 Church Lane. Mr. Auchincloss stated that they would like to replace the existing accessory structure and deck on its existing footprint, altering only the existing shed roof to a gable roof which will raise the height of the building from about 12 feet to 14 feet. They will mitigate and protect the lakeshore berm as much as possible and provide a decent foundation of permanent piles for the footings. It will not encroach on the lake front any more than the existing structure does. They thought about expanding it, but decided to keep it in its present use as changing house or shed and not a boathouse. The lake path going behind the structure is quite dangerous at the present time, so, with the consent of their neighbors, they will relocate the lake path further from the lake and its berm as a mitigation measure. They will also plant native plant species to help stabilize the berm and replace any plants that are lost during the reconstruction process. The proposed gable roof will help them control the runoff better although it will be a bit higher than the existing shed roof. They will keep the natural, wooded state of the present lot.

Questions from the Board brought out these facts:

The foundation will probably consist of precast piers set in a gravel base. It will not be a solid foundation wall. It will not block drainage to the lake, although they hope to mitigate the area and slow the water flow which carries a lot of sediment into the lake.

The color will blend into the landscape.

The hearing ended at 7:17. The Board went into deliberative session at 7:19 and came back into public session to announce their decision at 7:26.

Findings of Fact:

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

2.7 Shoreland Protection District

This is a pre-existing, non-conforming structure on a non-conforming lot. The non-conforming lot is .17 acres. The standard is 1 acre. The lot has a 52.10 foot frontage on the utility extension of Church Lane and 40 feet of lake frontage. The standard is 100 feet for both road and lake frontage. The lot is 160 feet in depth. The standard is 200 feet. The present non-conforming structure has a 6 foot setback on the left side which does not comply with the standard of 20 feet. The structure is 155 feet from the road which complies with the 50 foot standard as does the 20 foot setback on the right side. It is 10 feet from the lake which does not meet the standard of 150 feet.

The proposed structure would be built on the pre-existing, non-conforming footprint. Its height would be increased from 12 feet to 14 feet.

8.9 Nonconforming Uses and Structures in the Shoreland Protection District

(3) Any structure may be enlarged, extended, reconstructed, expanded, modified or relocated on with the approval of the DRB, subject to conditional use review (5.4). The DRB must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through mitigation measures and meets all other applicable requirements of these regulations.

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.*
- 5. the utilization of renewable energy resources.*

The proposed building will not affect any community facilities, the character of the area, traffic in the area, bylaws or ordinances, or the utilization of renewable energy resources. It will be built on the nonconforming footprint of the existing structure and have the same use. The lot will be kept in its present natural, woody condition and mitigation measures will be taken to reduce the water and sediment runoff into the lake.

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.*
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.*
- 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.*
- 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.*
- 5. The proposed structure is compatible with other structures in the area.*
- 6. The proposed structure adheres to the uses allowed in the relevant district.*
- 7. The proposed structure will not affect the noise or air pollution in the area.*

The lot and setbacks are pre-existing, nonconforming conditions and are not subject to the current regulations stated in the bylaws. Screening with fencing or landscaping is not required and there will be no signs. The proposed structure and its use are compatible with the other structures and uses in the area. Noise and air pollution were considered and the Board determined the proposed structure will not generate more noise or air pollution than the existing structure.

Decision and Conditions


The proposed structure will be built on the pre-existing, nonconforming footprint of the present structure and will have the same use. The change in height is minimal and within the bylaw regulation of 15 feet. The proposed gable roof will help them better control runoff. The Board commends the applicants on their plans to protect the berm, the lake, and the natural area surrounding the structure.

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application as presented. Both alternates voted in the absence of two Board members.

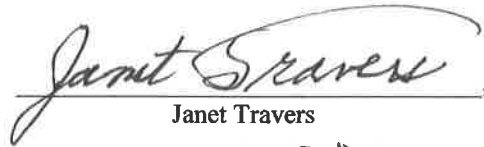
Conditions:

The proposed structure will not exceed 15 feet in height.

Signed:

 , vice chair
Nat Smith

date 10-27-20

 , clerk
Janet Travers

date 10-23-2020

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.