

Conditional Use Hearing  
Vince and Charlene Cabbage  
January 27, 2022

*To consider a conditional use request by Vince Cabbage to reconstruct a shed at Pleasants Street and Hugo Lane.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.9 Nonconforming Uses and Structures Within the Shoreland Resource Zone.

**Warnings** were posted on January 11, 2022, 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 applicants and the following abutters and neighboring property owners: the Meyer-Simpson family; Lisa Landon Hewitt Living Trust; the Slater-Mallons on January 11, 2022. It was published in the Hardwick Gazette on Wednesday, January 12, 2022.

**Development Review Board members present via Zoom:** Jane Woodruff, Nat Smith, Linda Romans, Wayne Young, BJ Gray, MacNeil, Jan Travers, and Mike Metcalf.

**Development Review Board members absent:** None.

**Others present in person:** Brett Stanciu.

**Others present via Zoom:** Vince Cabbage; Lise Armstrong.

**Correspondence from interested persons:** None.

**During the course of the hearing the following exhibits were submitted:** None.

The hearing was conducted by electronic communication (ZOOM) and in-person at the Greensboro Town Hall, in the Collier Room.

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:03 p.m. She noted the Board would hear Mr. Cabbage's conditional use request to rebuild a pre-existing nonconforming structure. She explained the procedure for the quasi-judicial hearing, and asked the clerk to swear in all those who wished to speak at the hearing.

Mr. Cabbage explained that when he and his spouse purchased their 51 Virginia Lane property, they did not realize the property contained a piece of land located at the corner of Pleasants Street and Hugo Lane. This 25 feet by 50 feet property with a pre-existing nonconforming shed is not contiguous with the Virginia Lane parcel. Mr. Cabbage proposes to raze the existing structure and rebuild in the same footprint of 24 feet by 18 feet. The rebuild would include a concrete foundation and floor, a standing seam metal roof, and siding similar to the applicant's lake cottage. An overhead garage door and a door facing Hugo Lane would be installed. Windows have not been determined. Mr. Cabbage emphasized the structure would conform in character to nearby accessory buildings. The application includes a height of 14 feet, which is the height of the current structure. Mr. Cabbage would prefer to raise the height to 15 feet as his architect advised 15 feet is required for an 8/12 roof pitch. A cupola has been considered, but the applicant does not want the height of the structure to be contentious. Work would be performed in the spring or fall to avoid congestion in the area. Water lines and the road will not be damaged. Landscaping will be planted around the structure.

Development Review Board members asked questions about moving the footprint further from Hugo Lane. Mr. Cabbage indicated he is amenable to moving but noted the property is unsurveyed. He added that Virginia Lane is unmapped, and it is reasonable to assume Hugo Lane is undocumented. Ms. Woodruff noted that the setbacks to this nonconforming structure are unknown.

Ms. Woodruff thanked Mr. Cabbage for participating in the discussion. The hearing ended at 7:23 p.m. The Board entered into deliberative session at 7:24 PM and came back into public session to announce their decision at 8:27 p.m.

### **Findings of Fact:**

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

#### **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 shed rebuild will have no impact on community facilities.
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.* The proposed accessory structure is compatible with the character of the area. The Board determined a height of 15 feet shall be allowed.
3. *traffic on roads and highways in the vicinity.* This proposed reconstruction will have the same effect on Hugo Lane traffic as the existing nonconforming structure.
4. *bylaws and ordinances presently in effect.* The proposed project will not adversely affect current bylaws.
5. *the utilization of renewable energy resources.* This accessory structure will not impact 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.* This is a pre-existing, non-conforming lot of .03 acres.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* The structure meets the lake setback. The pre-existing structure does not conform to either the Pleasants Street or Hugo Lane setback. As side setbacks are not known, the Board determined a conditional use permit could be granted only for a rebuild in the pre-existing 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.* As this is a residential use, no fencing or landscaping is required.
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.* No signs are included in the application.
5. *The proposed structure is compatible with other structures in the area.* The proposed shed reconstruction complements existing accessory structures in the area.

6. *The proposed structure adheres to the uses allowed in the relevant district. An accessory structure is an allowed use in the Shoreland Protection District.*

7. *The proposed structure will not affect noise or air pollution in the area. This proposed reconstruction will not affect noise or air pollution.*

**Decision and Conditions:**

The Board determined the reconstruction of this pre-existing nonconforming structure shall not expand beyond the structure’s current footprint. The roofline of the reconstructed shed may rise to 15 feet, with a cupola if desired. Based upon these findings, the Development Review Board determined that the standards for a conditional use permit were met. The Board voted unanimously (7 – 0) to approve the application to rebuild the accessory structure at Pleasants Street and Hugo Lane.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction begins.
2. No plumbing shall be added to this structure.

Signed:

\_\_\_\_\_, chair  
Jane Woodruff

\_\_\_\_\_, clerk  
Brett Ann Stanciu

date \_\_\_\_\_

date \_\_\_\_\_

**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.