

Conditional Use Hearing  
John Schweizer and Jennifer Lucas  
May 1, 2024

*To consider a conditional use request by John Schweizer and Jennifer Lucas to add a screened porch and dormers to a nonconforming structure at 770 North Shore Road.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone.

**Warnings** were posted on April 10, 2024, 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: Andrew and Elizabeth Brown; Kristyna and Thomas Meyer; Jeffrey and Frances Bennett; Richard Lovett; Maile Farms, Inc; Charles F. Yeiser Jr. Revocable Trust, on April 10, 2024.

**Development Review Board members present:** Jane Woodruff; Wayne Young; Nat Smith; Mike Metcalf; Tim Brennan; BJ Gray; Lise Armstrong; Joann LaCasse (alternate); Brett Stanciu (ex officio).

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

**Others present:** John Schweizer; Jennifer Lucas; Davis Barnett.

**Correspondence from interested persons:** None.

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:05 p.m. She noted that the applicants propose to add dormers and a screened-in covered porch to a nonconforming structure within the shoreland resource zone. The application will be considered under 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone. If the application complies with the bylaw, a conditional use permit will be required. Ms. Woodruff explained the procedure for the quasi-judicial hearing. The hearing will be recorded for appeal purposes. She asked the clerk to swear in all those who wished to speak at the hearing.

Mr. Schweizer noted he and Ms. Lucas built their house in 2017 and 2018. At that time, the Development Review Board permitted a footprint of 1,950SF which included a porch. The applicants did not build a porch, due to financial constraints. The current application requests a permit for a screened-in porch. On the north side of the house, facing the road at a distance of 300' to 400', the applicants request a permit to build two dormers to lessen heat in the structure. Mr. Schweizer intends to plant a buffer zone as mitigation along Tate Brook. The proposed porch has 156SF. The mitigation area will be larger in footprint.

Questioning from the Board confirmed that the porch will not be heated. Ms. Lucas noted plastic inserts may be added in the shoulder seasons to prevent snow from piling in the covered porch. The Board confirmed that the house is approximately 80' from the mean water mark. The proposed porch will be 100' from the mean water mark, so the proposed expansion will not make the house more nonconforming. The Board questioned which plants were chosen and would the entire bank be planted? Mr. Schweizer asked the Orleans County forester for recommendations; he will follow the forester's expertise. Mr. Schweizer expects to return at least 50' of stream

frontage to its natural state. The width will be between 8' and 12'. The exception will be where the driveway nears the brook and a tractor access. All the planting will not occur immediately; however, that section is no longer mowed. The Board voiced appreciation for clear drawings.

Mr. Barnett expressed support for this project.

To conclude, Ms. Lucas noted a long-term plan includes a ramp around the steps. At 7:26 p.m., Ms. Woodruff thanked the applicants for their thorough application and Mr. Barnett for attending the hearing. The Board entered into deliberative session at 7:27 p.m. and came back into public session to announce their decision at 8:40 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.* This expansion will not affect 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 porch and dormers as proposed will fit into the area's structures.
- 3. traffic on roads and highways in the vicinity.* Traffic will not be incurred by this project.
- 4. bylaws and ordinances presently in effect.* The proposed dwelling expansion will not impact the town's bylaws and ordinances.
- 5. the utilization of renewable energy resources.* Renewable energy resources will not be impacted by increasing the size of this structure.

##### *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 size of 4.8 acres exceeds minimum standards in the Shoreland Protection District.
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* The proposed expansion meets adjacent lot and road setbacks. The structure is nonconforming regarding the lake setback. This proposed expansion will not increase that nonconformity. Under 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone (A)3, "A Nonconforming Structure may be enlarged, extended, reconstructed, expanded, modified or relocated only with the approval of the DRB, subject to conditional use review under Section 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 (See #4 below) and meets all other applicable requirements of these regulations." The Board determined this proposal does not increase the structure's nonconformity. The applicants shall comply with the mitigation requirement as specified in Condition #2 below.

3. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located. This is not applicable.

4. Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected. The proposed screened porch and dormers complement existing structures in the area.

5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. Single family dwellings are a permitted use in the Shoreland Protection District. This proposed expansion will not violate any uses.

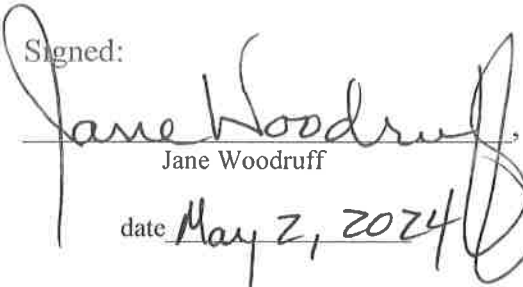
6. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. These criteria will not be affected by the proposed expansion.

### Decision and Conditions:

The Board determined that the standards for a conditional use permit were met. Based upon these findings, the Development Review Board voted unanimously (8 – 0) to approve the application to add two dormers on the North Shore Road side of the house at 770 North Shore Road and a screened porch to the right side of the existing house as viewed towards the lake.

### Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.
2. An area of mitigation 50' along the length of Tate Brook, at least 4' wide, shall be planted with native non-invasive vegetation. This area shall not be mowed.

Signed:  chair  
Jane Woodruff  
date May 2, 2024

 clerk  
Brett Ann Stanciu  
date May 2, 2024

### 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.

