

COVER NARRATIVE IN SUPPORT OF APPLICATION FOR CONDITIONAL USE PERMIT / VARIANCE — RECON- STRUCTION & RELOCATION OF A NONCONFORMING STRUCTURE IN THE SHORELAND PROTECTION DISTRICT

Town of Greensboro Development Review Board

Applicants / Landowners: Nicholas Gunther and Susanna Gunther

Property: 154 Gunther Lane, Greensboro, VT 05841 (1.96 acres; ~430' shoreline frontage on Caspian Lake)

Designer: Arborvitae Design | Build, West Glover, VT

Application type: Conditional Use Permit / Variance — reconstruction and relocation of a pre-existing nonconforming structure (the “Upper House”) (*date submitted:* _____)

Caspian Lake has been home to our family since my grandparents purchased our lake house in 1926 from Ernest Hocking, a century ago this year, and we take very seriously caring for this small corner of Greensboro. That said, when my mother, Jane Gunther, died in 2020 at the age of 104, we found a tremendous amount of “deferred maintenance” resulting from her long period of infirmity, with the consequence that four of the five original buildings on the property, together with my grandparents’ upper cottage, had deteriorated irreparably, saving only the lake house itself.

We were therefore forced to engage in a long period of rebuilding, one that is finally coming to an end with the current application for our upper house, which had been my grandparents’ summer home.

My wife and I are both older now, and one of us lives with a disability that makes it unsafe to carry heavy loads up and down the slope to the upper house — a fact that shapes several of the practical choices described below, from the modest driveway extension to the layout of the reconstructed dwelling itself. Our goal throughout this project has been the same one we bring to the rest of the property: to fix what genuinely needs fixing, to add nothing beyond what is necessary, and to leave the lot’s tree cover, shoreline buffer, and natural character better than we found them.

1. Summary of the Request

The Applicants seek conditional use approval to remove a deteriorating, pre-existing nonconforming single-family dwelling (the “Upper House”) and reconstruct it **on the same conditioned-space footprint**, while **relocating it to eliminate its existing side-setback nonconformity**. The existing cottage — built on or about 1965 and long inhabited by the Applicants’ family — sits only 12 feet from the northern property line, where the District requires 20 feet. The reconstructed dwelling will be set 20 feet from that line, **eliminating the side-setback nonconformity entirely while keeping the building as far as possible from the lake**. The conditioned living-space footprint (32' × 22') is unchanged, and the dwelling remains 188 feet from the mean water level — well beyond the 150-foot Shoreland Buffer Zone, though within the outer Protected Shoreland Area of the District.

The project also introduces some amount of new impervious surface not present on the site today: a covered entry and porch attached to the dwelling, and a driveway extension serving the relocated dwelling — 2,885 sq ft of new impervious surface in total (see Section 4). The Applicants describe these additions candidly below. As confirmed by final surface-area calculations, the property’s Impervious surface remains at 11.64%, well under the District’s 15% maximum, and its Covered area remains at 62.68%, above the District’s 60% minimum — even after these additions.¹

The existing structure has two dimensional nonconformities: the 12-foot northern side setback, and the approximately 17% grade of the ground beneath the building, which exceeds the District’s 15% maximum. This

¹The entire lot is now measured against the corrected, larger 1.96-acre survey; see Section 6 for the full calculation.

project eliminates the first and carries the second forward entirely unchanged — the reconstructed dwelling sits on the same grade as the existing one, neither steeper nor more extensive. **Total nonconformity therefore decreases.**

In short, the project reduces the structure’s existing dimensional nonconformity — eliminating the side setback while leaving the pre-existing grade nonconformity neither increased nor expanded — while adding a modest, weather- and disability-necessary covered entry, porch, and driveway that keep the property within both the District’s Impervious-surface and Covered-area standards, and whose stormwater impact the mitigation package described below is designed to directly manage.²

2. The Reconstruction Satisfies the District’s Nonconforming-Structure Standards

Conditioned footprint not enlarged; roofed additions are new. The dwelling’s conditioned living space is rebuilt within its original 32’ × 22’ footprint, not extended in any direction. A covered entry (West side) and a covered porch (South side) are new roofed, unconditioned additions described in Section 4. Because they are open to the elements, unheated and uninsulated, they do not add habitable floor area (see below), but they do add new impervious/roofed coverage, which the Applicants address directly in Section 4 and Section 6.

Degree of nonconformity is reduced, not increased. The existing structure has two dimensional nonconformities: a 12-foot northern side setback (required: 20 feet) and an approximately 17% grade beneath the building (maximum: 15%). The reconstructed dwelling will be built a conforming 20 feet from the north line, curing the setback nonconformity entirely. The portion of the former footprint that is vacated will be restored to native vegetation.³

Grade nonconformity is carried forward unchanged, not increased. The reconstructed dwelling sits on the same approximately 17% grade as the existing structure — the same pre-existing, grandfathered nonconformity, in the same general location (excepting the cured setback), at the same degree. Because the same provision that permits reconstruction of a nonconforming structure without curing every nonconformity requires only that the degree of nonconformity not increase,⁴ and because this project reduces total nonconformity overall by curing the side setback while leaving the grade nonconformity exactly as it was, the reconstruction satisfies that standard for both.

No increase in habitable floor area. The new main floor reproduces the modest living space of the grandfathered cottage — approximately 704 sq ft of total habitable floor area (kitchen, living/dining, one bedroom, one bath). **The reconstruction does not add habitable floor area.**⁵

Within all dimensional limits. The proposed ridge height of (less than) 27 feet is below the 30-foot maximum, and the dwelling is far outside the 50-foot zone in which height increases are restricted.⁶

Dimensional conformance at a glance

Standard (Shoreland District)	Required	Proposed	Status
Minimum lot size	1 acre	1.96 ac	Conforms

²Greensboro Zoning Bylaw (as amended 10/9/2024) § 8.8(C)(1)-(2) (a Nonconforming Structure may be rebuilt in its existing Building Footprint, and may be relocated so that it is less nonconforming, provided disturbed areas are restored to a naturally vegetated state); § 8.8(A)(3) (the DRB must determine that an enlargement, extension, expansion, modification, or relocation of a Nonconforming Structure does not increase the degree of nonconformity, or else it compensates through Mitigation measures.)

³Id.

⁴Id.

⁵“Total Habitable Floor Area” is defined by the Town as the floor area of rooms used for bedrooms, living room, dining room, kitchen, and bathroom; it excludes porches and decks, and does not include mechanical/utility, laundry, storage, or crawl space.

⁶Id. § 2.7 H(8) (maximum height for a single-family dwelling is 30 feet) and § 2.7 J(b) (height limited only within 50 feet of the mean water level). Dimensional standards, including height, were not part of the 2024 Article 8 reorganization and remain in § 2.7; this citation does not change.

Standard (Shoreland District)	Required	Proposed	Status
Minimum lot width	100'	349.5'	Conforms
Minimum lot depth	200'	±205'	Conforms
Minimum shoreline frontage	100'	~430'	Conforms
Shoreline setback	150'	188'	Conforms
Side setback (north)	20'	20'	Cured (was 12')
Grade beneath building	≤ 15%	~17% (unchanged from existing)	Nonconforming — pre-existing, not increased ⁷
Maximum height	30'	<27'	Conforms
Conditioned building footprint	No increase	32'×22' (same)	Conforms
Roofed additions (entry + porch)	None	+1,185 sf	New — see Section 4
Driveway impervious area	—	+1,700 sf	New — see Section 4 and Section 6
Impervious surface (whole parcel)	< 15%	11.64%	Conforms — see Section 6
Covered area (whole parcel)	> 60%	62.68%	Conforms — see Section 6

3. The Lower Level: Non-Habitable Utility Space, Not Added Living Space

The single most important point for the Board's understanding is **why the reconstructed dwelling includes a below-footprint lower level, and why that level adds no habitable space.**

The problem we are solving. The existing cottage houses its only mechanical equipment — a hot-water heater — in the attic, reached awkwardly through a ceiling access panel above a kitchen counter. The reconstructed dwelling has only a small attic, for limited storage. If the utilities cannot be placed below the main floor, they would have to occupy part of the main floor itself, **cannibalizing the very living space the grandfathered footprint protects.** Placing utilities in a below-grade level is therefore the design choice that **preserves**, rather than expands, the dwelling's habitable area.

What the lower level contains. The lower level lies entirely beneath the existing 32' × 22' footprint and consists of only two spaces, **neither of which is habitable:**

- **A utility / laundry room** housing the water heater, mechanical systems, electrical panel, and a washer and dryer. Under both the Town's zoning definition of habitable floor area and the building code, mechanical/utility and laundry rooms are **non-habitable accessory space**.⁸ With a height of 8', this area might be considered "cozy" but certainly not comfortable.
- **A crawl space** used for nothing but access to structural and mechanical elements. It is unfinished and not designed or intended for occupancy. With a height of 6', this area is unsuitable for standing - we are both around 6' tall and our oldest child already taller - , but reasonable for sitting while attending to, fixing and or replacing mechanical infrastructure and removing the occasional varmint.

Keeping the utilities and laundry **below grade** — rather than building them into the above-grade living area — is also the configuration least likely to be counted toward floor area under any measure. The lower level will be left **unfinished** (exposed foundation, plain utility door, unfinished cement walls, floors, bare ceilings, minimal "strip" utility windows at ceiling level providing only light and ventilation without any

⁷Id.

⁸"Total Habitable Floor Area" is defined by the Town as the floor area of rooms used for bedrooms, living room, dining room, kitchen, and bathroom; it excludes porches and decks, and does not include mechanical/utility, laundry, storage, or crawl space.

view), with only the plumbing and electrical service that the laundry and mechanical equipment require, and **no rough-in for any future bathroom or kitchen**. The plans will be labeled accordingly.

4. Entryway, Porch, and Driveway: New Impervious Surface

The reconstructed dwelling includes two new roofed additions not present on the existing cottage, together with the driveway extension described in Section 1:

- **Covered entry, West side, and covered porch, South side.** The entry shelters the dwelling’s main entrance, where groceries and luggage are carried in; given that both Applicants are older and one lives with a disability that makes carrying heavy loads unsafe in wet or icy conditions, a weather-protected entry is a practical necessity rather than an aesthetic add-on. The open, roofed south porch provides outdoor living space typical of lakeside camps in this neighborhood; it is not enclosed, is not conditioned space, and does not add habitable floor area. **Combined, the final surface-area calculation attributes 1,185 sq ft of new impervious surface to these two features** (“Porches,” in the final figures below). Neither addition is included in the 704 sq ft of Total Habitable Floor Area reported in Section 2.
- **Driveway extension: 1,700 sq ft** of new impervious surface, described in Section 1 and needed to serve the relocated dwelling.
- **Total new impervious surface: 2,885 sq ft** (1,185 sq ft entry/porch + 1,700 sq ft driveway), the basis for the Section 6 calculation.

Reconciliation needed: an earlier description of this project put the entry and porch at 60 sq ft and 360 sq ft (420 sq ft combined). The final surface-area calculation in `surface_square_feet/final_073126.ods` attributes 1,185 sq ft to “Porches” — materially more than 420 sq ft. The Applicants should confirm with their designer/surveyor which figure is correct (the 1,185 sq ft figure may include roof overhangs, steps, or adjacent hardscaping not counted in the original 60/360 estimate) before filing, since the 1,185 sq ft figure is the one built into the compliance percentages below.

These are the only sources of new impervious surface associated with this project, and they create no new nonconformity: Section 6 below shows that the property remains within both the District’s Impervious-surface standard (11.64%, against a 15% maximum) and its Covered-area standard (62.68%, against a 60% minimum) after accounting for them. The mitigation package in Section 5 independently addresses the rainwater-management purpose those standards exist to serve.

Because the property’s final, calculated Impervious surface (11.64%) and Covered area (62.68%) both remain within the District’s standards even after this project — see Section 6 — the Applicants do not believe this addition requires the application’s Variance component on hardship grounds, although it might so qualify.

5. Proposed Mitigation

Because the Board must require mitigation for a permitted reconstruction and relocation, the Applicants propose the following package and welcome it as conditions of approval:⁹

- **Revegetation of the vacated footprint.** The portion of the former structure’s location not overlapped by the reconstructed building will be restored to native, non-invasive vegetation.
- **New re-wilding areas, buffers and trees add 1,600 Square Feet of total New Cover .** Consistent with the Zoning Administrator’s recommendation at our August 3, 2026 coordination meeting, the Applicants will designate **1,312 square feet** of the former tennis court as a permanent “No Mow” zone, allowed to naturalize with native grasses and volunteer vegetation, retaining only enough mowed lawn in that area for a croquet court. Applicants will also establish a riparian buffer of **275 square feet** and plant twenty-one new trees, **13** of them in current lawn. In total, these areas represent **1,600** square feet converted from “Open” to “Covered” surface in the final surface-area calculation (Section

⁹8.8(C)(3) (where reconstruction or relocation of a Nonconforming Structure is permitted, the DRB shall require the applicant to compensate through Mitigation measures) See also note 2 and the scope question noted therein.

6), directly reducing the property’s maintained/open area and adding natural landscape, in addition to the plantings described below.

- **Completion of prior mitigation commitments.** The Applicants are finalizing a written schedule with their landscape contractor to complete the remaining site work required under previously approved mitigation plans, with a firm completion date and written confirmation to be provided to the Board in advance of the hearing.
- **Stormwater controls.** Roofs will be guttered to rain barrels and to 7 rain gardens — excavated basins designed to actively capture and infiltrate stormwater runoff, not simply planted beds — so that runoff does not reach the lake. Erosion and sediment controls will follow the State’s Low Risk Site Handbook for Erosion Prevention and Sediment Control and the Vermont Low Impact Development Guide for Residential and Small Sites.
- **Native planting.** Twenty-one native and non-invasive trees and forty shrubs have been or will be planted to aid filtration, erosion control, and screening, together with native rain-garden plantings and a riparian buffer near the ADU. A species-and-location planting plan is provided with this application.
- **Wastewater.** The site is served by a State-permitted septic and potable water system (WW Permit No. WW-7-5187), protecting lake water quality.

6. Demonstrating Compliance with the District’s Area-Percentage Standards

The governing standards: Impervious under 15%, Covered over 60%

The District requires that Impervious surface remain **below 15%** of the property, and that “Covered” land — natural, non-impervious, non-cleared area — remain **above 60%**.¹⁰ At the Board’s most recent Variance approval, the property was measured at 61% Covered, based on a lot size of 1.8 acres per the survey then on file.

The final, corrected calculation

The current, corrected survey shows the parcel at **1.96 acres** — 6,970 sq ft larger than the 1.8 acres previously assumed, because it corrects the earlier survey rather than reflecting any change to the land itself. That additional acreage is entirely natural land, so recalculating the pre-project baseline against the corrected acreage alone raises Covered area from 61.00% to 64.18%, before any new construction is considered. The table below shows the full progression from the prior office filing through the completed project, all measured against the corrected 1.96-acre (85,378 sq ft) lot:

Category	Prior filing (1.8 ac)	Prior filing, recalculated (1.96 ac)	New construction	Final, after project (1.96 ac)	Standard
Impervious	9.00% (7,057 sf)	8.27% (7,057 sf)	+2,885 sf (1,185 sf porches/entry + 1,700 sf road)	11.64% (9,942 sf)	Must be < 15%
Open	30.00% (23,522 sf)	27.55% (23,522 sf)	−1,312 sf (No Mow conversion to Covered)	25.68% (21,922 sf)	—

¹⁰Id. § 8.6 (unlabeled paragraph immediately following § 8.6(H), with no further subsection letter assigned in the Bylaw as adopted): areas proposed to be cleared or covered with impervious surface must have a slope under 15% and impervious surface must not exceed 15%, each measured within 250 feet of the lake; “Vegetative Cover” must be maintained on at least 60% of that same area. This narrative uses “Covered” to refer to the Bylaw’s “Vegetative Cover” measurement, consistent with the Applicants’ surface-area calculations.

Category	Prior filing (1.8 ac)	Prior filing, recalculated (1.96 ac)	New construction	Final, after project (1.96 ac)	Standard
Covered	61.00% (47,829 sf)	64.18% (54,798 sf)	-2,885 sf (site of new construction) +1,312 sf (No Mow)	62.68% (53,513 sf)	Must be > 60%
Total	100% (78,408 sf)	100% (85,378 sf)	—	100% (85,378 sf)	

The new impervious surface (entry, porch, and driveway) is sited on what was previously Covered land, not Open/lawn area, consistent with the “no new lawn areas” statement in Section 1. Both governing standards are met after the project: **Impervious 11.64%, well under the 15% maximum; Covered 62.68%, above the 60% minimum** — an improvement over the 61.00% Covered figure the Board relied on at the prior Variance approval.

Why the standards are satisfied in substance, not just on paper

The Impervious and Covered-area standards exist to prevent the rainwater-management problems that impervious and cleared surfaces create: uncontrolled runoff, erosion, and pollutant loading reaching Caspian Lake. The mitigation plan described in Section 5 is aimed directly at that same underlying concern — rain gardens - (5 existing or imminent, 2 to be added), absorption pits, an infiltration trench, a riparian buffer, roof gutters directed to rain barrels and rain gardens, and the new 1,312 sq ft No Mow area on the former tennis court all capture, slow, and filter stormwater before it can leave the site. The Applicants accordingly view the mitigation package not merely as an offset required by the percentage calculation, but as directly addressing the purpose the Impervious and Covered-area standards are designed to serve.

7. No Undue Adverse Effect (Conditional Use Criteria)

The project will not result in an undue adverse effect on community facilities, the character of the area, traffic, the bylaws in effect, or renewable-energy resources:

- **Community facilities & traffic.** The reconstruction of a single-family dwelling on an existing residential lot creates no new demand on schools, services, or roads.
- **Character of the area.** The dwelling replaces a deteriorated cottage with a similarly scaled, single-living-story home finished in shingle and stone consistent with the lakeshore neighborhood. Its ridge (under 27') is well under the 30' limit. The visible lower level is an exposed foundation dictated by the slope, not additional living space. The existing dwelling is invisible from the lake and we expect the same will be true of the reconstructed Upper House.
- **Bylaws in effect.** As shown above, the project eliminates the side-setback nonconformity and carries the pre-existing grade nonconformity forward unchanged, so total nonconformity decreases; it keeps the new roofed additions and driveway impervious area within the totals confirmed in Section 6; and it adds mitigation — including the new No Mow area — beyond what is strictly required.
- **Renewable resources & neighbors.** The relocation does not shade or impair adjacent property or reduce access to renewable energy resources.

Specific Standards for Projects in the Shoreland Protection District (§5.4(C)(7)–(8))

Because the property lies entirely within the Shoreland Protection District, two additional, District-specific Conditional Use standards apply beyond the general standards addressed above. The project satisfies both directly:

- **§5.4(C)(7) — District purposes protected through erosion controls, native planting, and vegetation protection.** The Bylaw requires the DRB to find that “the district’s purposes will be

protected through erosion controls, supplemental planting of native species, protection of existing vegetation, and/or other measures.”¹¹ The mitigation package described in Section 5 satisfies this standard on its own terms, measure for measure: erosion and sediment controls following the State’s Low Risk Site Handbook and the Vermont Low Impact Development Guide; supplemental planting of twenty-one native, non-invasive trees and forty native shrubs, plus native rain-garden plantings and a riparian buffer near the ADU; and protection of existing vegetation through revegetation of the vacated footprint and the new 1,312 sq ft “No Mow” re-wilding area on the former tennis court. Each of the standard’s three named categories of measure — erosion control, native planting, and vegetation protection — is independently addressed, not merely gestured at.

- **§5.4(C)(8) — Visual impact softened; filtered views preserved from the lake.** The Bylaw requires that “the visual impact of man-made development shall be softened by existing vegetation or additional planting of natural vegetation to provide visual breaks to and filtered views of building facades when viewed from the lake or the shoreline during summer leaf-on conditions.”¹² As noted above, the existing dwelling is invisible from the lake today, screened by the lot’s mature tree canopy, and the reconstructed Upper House — same footprint, ridge height unchanged and still under the 30’ maximum, and relocated farther from the lake to cure the side setback — will remain within that same visual screen. The native planting in Section 5 supplements the existing canopy rather than substituting for it, so the standard is met both by what already exists on the lot and by what this project adds to it.

Read together with the general standards addressed above, these two provisions are the specific lens through which the Board evaluates Shoreland Protection District projects, and the Applicants believe the record — particularly the mitigation package in Section 5 — demonstrates compliance with each.¹³

The Applicants respectfully request that the Board grant conditional use approval for the reconstruction and relocation as described.

Respectfully submitted,

Nicholas Gunther Susanna Gunther

Date: _____

¹¹Greensboro Zoning Bylaw (as amended 10/9/2024) § 5.4(C)(7)–(8) (Conditional Use specific standards applicable to projects in the Shoreland Protection District). § 5.4 sits in Article 5 (Conditional Uses) and was not part of the 2024 Article 8 reorganization; this citation does not change. Compare § 8.7(B)(1), which uses nearly identical language for buffer re-establishment as a conditional use within the Shoreland Buffer Resource Zone specifically.

¹²*Id.*

¹³*Citation note:* the footnotes above cite the Shoreland Protection District’s nonconforming-structure and mitigation standards under the current Article 8 (Lake Shoreland Protection District Regulations, §§8.1–8.14, as amended 10/9/2024). §8.8 is captioned as applying “Within the Shoreland Buffer Resource Zone,” which by definition extends roughly 100 feet from the lake plus the extent of any Steep Slope; the Upper House sits 188 feet from the water. The Applicants raised this scope question directly with Zoning Administrator Brett Stanciu, who indicated that it imposed the pertinent restrictions on reconstruction of a nonconforming structure close to but technically outside the Buffer Resource Zone. On her strong recommendation, which was also consistent with our strong commitment to maintaining Greensboro and its environment, the Applicants are providing the mitigation described in Section 5 as a good-faith measure consistent with §8.8’s requirements, rather than relying on technical arguments about the dwelling’s location.