

**TOWN OF ELMORE**  
**Development Review Board**  
**Review Findings and Decision**

**In re: June H. McKinley, Trustee:**  
**J. B. and June McKinley Family Trust**

**Permit Application No. Z-24-23**

**INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding involves review of an application for conditional use submitted by June H. McKinley, Trustee; J. B. and June McKinley Family Trust under the Town of Elmore Unified Zoning and Subdivision Bylaw. (Effective February 11, 2020)

The application was received by the Zoning Administrator on June 19, 2024. A copy of the application is available at the Elmore Zoning Office.

1. On June 27, 2024, notice of a public hearing was published in the News and Citizen.
2. On June 24, 2024, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office Notice Board
  - b. 960 Beach RD, which is within view of Beach RD the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c. The Elmore Town Hall Notice Board.
3. On June 21, 2024 a copy of the notice of a public hearing was mailed to the applicant. On June 21, 2024 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application [ATTACH CERTIFICATE OF SERVICE]:
4. The application was considered by the Development Review Board at a public hearing on July 11, 2024. The Development Review Board reviewed the application under the Town of Elmore Zoning Bylaw, as amended February 11, 2020ds (the Zoning Bylaw).
5. Present at the hearing were the following members of the Development Review Board:
  - Jason Cohen
  - Mike Furst

- Paul Rouselle
  - Tom Waldman
6. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. No persons either appeared or requested interested party status.
  8. During the course of the hearing the following exhibits were submitted to the Development Review Board:
    - Application Form and supporting documents.
    - Typical photo of type of design.
    - Testimony of the applicant
 These exhibits are available at the Elmore Zoning Office.

## **FINDINGS**

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

1. The applicant seeks a conditional use permit to construct an Accessory Dwelling Unit. The subject property is a 37.5+/- acre parcel located at 876 and 960 Beach RD in the Town of Elmore (tax map parcel no. 20/20/66.00).
2. The property is located in the Forest District as described on the Town of Elmore Zoning Map and Section 2.4 – Table 2.4 of the Zoning Bylaw.
3. Conditional use approval is requested for the project as an Accessory Dwelling Unit below the elevation of 1,500 msl as that term is defined in section 2.4 of the Zoning Bylaw. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
  - a. Section 4.1A;
  - b. Section 4.1D (pg. 46);
  - c. Section 5.3 (pg. 57-58)
  - d. Forest District Table 2.4 (pg. 13-15)
4. Due to the location in the Forest District all building permits are conditional use.
5. The unit will be 424 sq ft with a deck.
6. The unit will utilize an existing driveway at 960 Beach RD. No Access Permit is required.
7. The unit will not be visible from Beach RD.
8. There are no wetlands on the site.
9. There no subdivision of the land is proposed.
10. The property is not in a Flood Hazzard Area.
11. No issues with issuing a conditional use permit for the small home.

12. A Wastewater and Water Supply Permit is being applied for from the State of Vermont for the sewer and water systems.

**DECISION AND CONDITIONS**

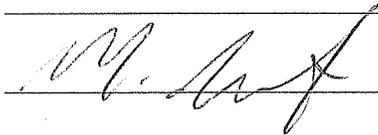
Based upon these findings, and subject to the conditions set forth below, the Development Review Board GRANTS the application for an Accessory Dwelling Unit.

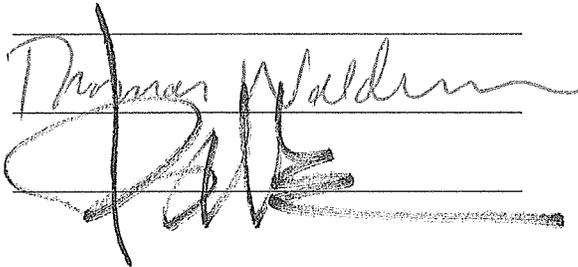
As conditioned, the proposed development meets the requirements of the Zoning Bylaw as outlined in Findings #3 above.

The Development Review Board approves the application subject to the following conditions:

1. A Zoning Permit for the ADU may be issued upon application and receipt of a State of Vermont Wastewater and Water Supply Permit.

Dated at Elmore, Vermont, this 1<sup>st</sup> day of August 2024.

\_\_\_\_\_, Chair  


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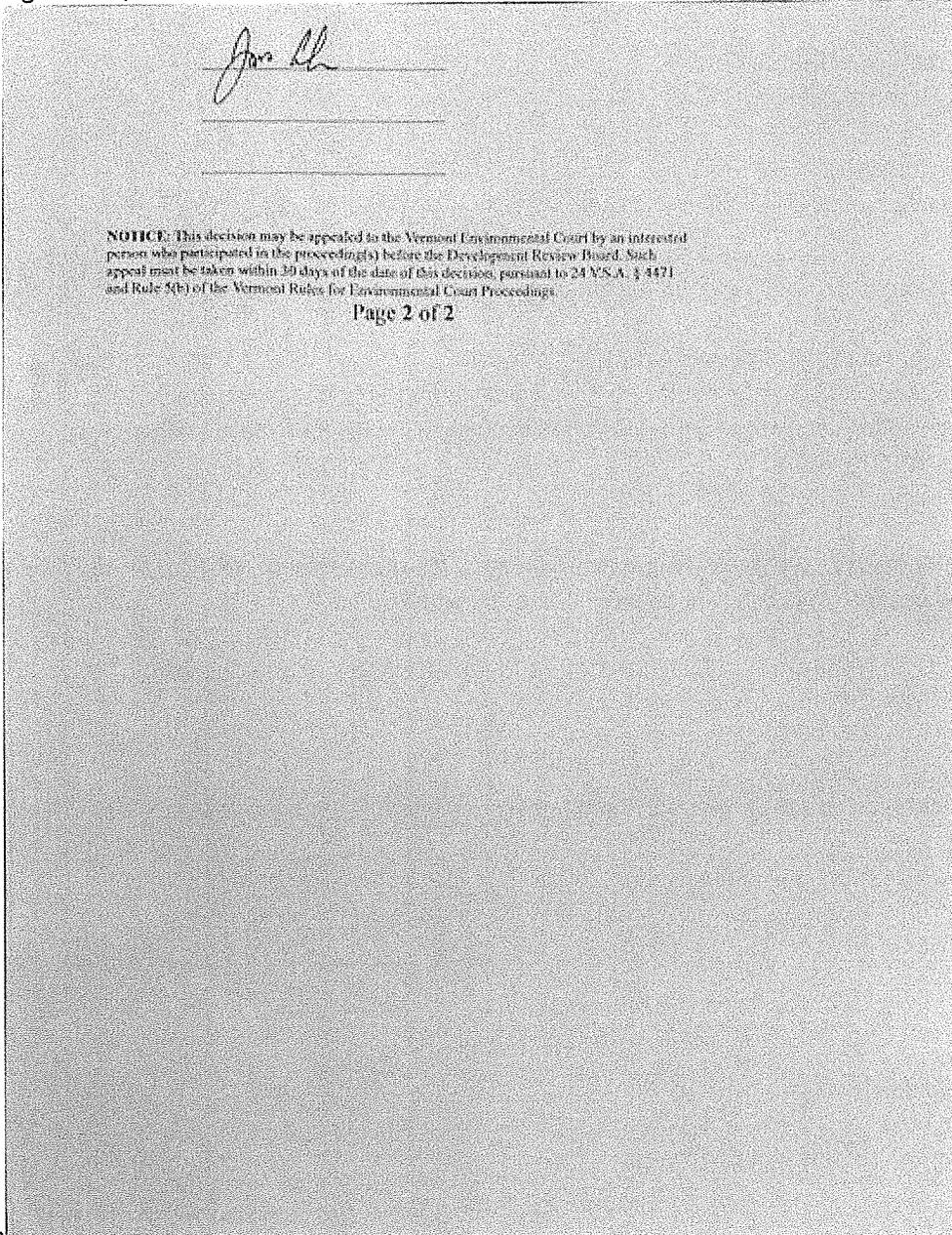
**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**Charlie Burnham**

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**From:** Jason Cohen <canoevt18@gmail.com>  
**Sent:** Wednesday, July 31, 2024 8:04 PM  
**To:** Charlie Burnham  
**Subject:** Re: McKinley DRB Decision for signature

Charlie,  
I had a few minutes and managed to print out and sign the signature page for the McKinley decision. I'm not sure if this is enough. If not, I will check in next week. See attached document for signature page.



Jason  
Sent from my iPhone

On Jul 31, 2024, at 4:40 PM, Jason Cohen <canoevt18@gmail.com> wrote: