

TOWN OF ELMORE
Development Review Board
Review Findings and Decision

In re: June H. McKinley, Trustee:
J. B. and June McKinley Family Trust
876 Beach Road

Permit Application No. Z-25-25

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 July 17, 2025. A copy of the application is available at the Elmore Zoning Office.

1. On July 25, 2025, notice of a public hearing was published in the News and Citizen.
2. On July 25, 2025, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office Notice Board
 - b. 876 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 July 23, 2025 a copy of the notice of a public hearing was mailed to the applicant. On July 23, 2025 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 August 5, 2025. The Development Review Board reviewed the application under the Town of Elmore Zoning Bylaw, as amended February 11, 2020 (the Zoning Bylaw).
5. Present at the hearing were the following members of the Development Review Board:
 - Mike Furst, Acting Chair

- Jason Cohen
- Caroline DeVore
- 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 Structure (42' x 36' equipment garage at elevation 1,245msl). The subject property is a 37.5+/- acre parcel located at 876 Beach RD in the Town of Elmore (tax map parcel no. 20/20/66.00).
2. The property is located in the Forest Reserve District (FR) 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 Structure 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 5.3 (pg. 57-58)
 - b. 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 1,512 sq ft.
6. The unit will utilize an existing driveway at 876 Beach RD. No Access Permit is required.
7. The unit will not be visible from Beach RD.
8. There are no wetlands on the immediate site.

9. No subdivision of the land is proposed.
10. The property is not in any Flood Hazzard Area.
11. No Wastewater and Water Supply Permit is required from the State of Vermont as no plumbing is proposed.
12. The building will have a stone floor and will not be heated.
13. The building will not be used for dwelling purposes.
14. Any exterior lighting shall be downward directed and shall not shine off premises.
15. No additional clearing of trees is proposed . Brush will be dealt with on site.

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 Structure and authorizes the Zoning Administrator to issue Zoning Permit #Z-25-25.

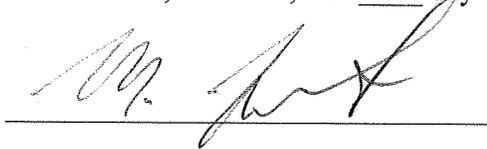
The proposed development meets the requirements of Sections 2.4, 5.3 and 5.4 of the Zoning Bylaw.

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

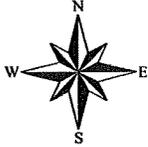
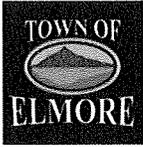
1. General Requirement: All information submitted on the application, on documents, and on plans/prints, and in the Board meeting minutes shall be considered part of the conditions of approval.
2. General Requirement (permit limitation): Pursuant to Section 8.1 H. of the Bylaws, all activities authorized by this permit shall be completed within 2 years of its date of issue. Permits that are not renewed, or permits that have expired, shall become null and void and reapplication shall be required.
3. General Requirement (local zoning approval only): This approval constitutes local zoning approval and in no way excludes the Applicant from the requirements of obtaining all other permits or approvals. (Section 8.1 D.)

4. General Requirement (permit runs with the land): By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all successors and assigns that the conditions of this permit shall run with the land and the land uses herein permitted and will be binding upon and enforceable against the permittee and all successors and assigns.
5. A Certificate of Compliance per Section 8.2 A. of the Zoning Bylaw is required upon completion of the project. An application form is provided along with this Decision.

Dated at Elmore, Vermont, this 20th day of August 2025.

 _____, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.



MCKINLEY ACRES

Town of Elmore, VT

1 inch = 135 Feet



www.cai-tech.com

July 14, 2025



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**TOWN OF ELMORE VERMONT
APPLICATION FOR
CERTIFICATE OF COMPLIANCE
PER SECTION 8.2 ELMORE ZONING BYLAWS
EFFECTIVE 20 JANUARY 2020**

APPLICATION FEE: \$125.00 REC'D _____ DATE _____
XX

ZONING PERMIT # Z-25-25 DEED VOLUME # _____ PAGE # _____

NAME June McKinley_____

E-911 ADDRESS 960 Beach Road_____

TAX MAP # 20/20/66.00 VT WASTEWATER PERMIT # _____

DATE OF CONDITIONAL USE APPROVAL BY DEVELOPMENT REVIEW BOARD _____

LANDOWNER & APPLICANT ACKNOWLEDGEMENTS By signing this form, the landowner(s) and applicant(s) described in this application (and their agents, assigns, and successors in interest) hereby apply for Certification of the Zoning Permit referenced above and accept the following:

- The land development must match and comply with the permit above to be certified;
- The Zoning Administrator will be entering the property listed above;
- The Zoning Bylaws allows the Zoning Administrator 21 days to act on this application.
- All submissions are public record and available for inspection and copy;
- All representations made in this application and the materials accompanying it are true, accurate and binding to the best of my knowledge;
- No use or occupancy of the development may commence until receipt of all applicable permits and certifications. (Attach copies)

If your answer is No to any of the following questions, you may not be ready to apply for the certificate of compliance. Please contact the Zoning Administrator to discuss.

1. Have you met all the conditions of your Development Review Board approval? O Yes O No
2. Has Elmore Road Commissioner/State (circle applicable) performed inspection for the approved Access Permits? O Yes O No O N/A
3. Have all conditions of State Water/Wastewater Permit been met? O Yes O No O N/A

Landowner Signature _____ Date ____/____/____

Applicant Signature _____ Date ____/____/____

CERTIFICATE OF COMPLIANCE

INSPECTION REPORT (ZA USE ONLY) ZONING PERMIT # _____

ZONING PERMIT Site inspection performed on [date] ____ / ____ / ____

E-911 Address Posted? Not Applicable (no new unit) | Yes | No

Development, use & dimensions comply with permit? Not Applicable | Yes | No, because:

Development Review

Prior development review? No | Yes

Description(s) _____

Decision review performed by _____ on [date] ____ / ____ / ____

____ Development review conditions met? : Not Applicable | Yes | No, because:

General

All other Zoning Permit conditions met? Not Applicable (no other conditions) | Yes | No, because:

WATER/WASTEWATER PERMIT

State Permit # _____ Engineers Completion Report Yes No

Development complies with permit? Yes | No, because:

Signature Date ____ / ____ / ____

HIGHWAY ACCESS PERMIT

Town Highway Access Permit # _____ Inspection performed by _____ on ____ / ____ / ____

Development complies with permit? Yes No, because:

Signature Date ____ / ____ / ____

NEW PRIVATE ROAD Was the Engineer Certification Letter provided per Elmore Bylaws Section 8.2 B.?

Not Applicable | Yes | No, because:

CERTIFICATION DECISION BY ZONING ADMINISTRATOR (ZA USE ONLY)

FINAL TEMPORARY

____ **APPROVED** Elmore Bylaws Section 8.2 fully met; you are hereby issued a Certificate of Compliance/Occupancy for the permit(s) listed above)

____ **DENIED** (This decision can be appealed to the Development Review Board per Elmore Zoning Bylaw Section 8.3). Reason for denial and/or conditions of approval:

Zoning Administrator Signature _____ Date _____