

TOWN OF ELMORE
Development Review Board
Application for Conditional Use
Review Findings and Decision

In re: Christopher Hobein

Permit Application No. Z-24-35

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Christopher Hobein, Trustee: The Christopher Hobein Trust under the Town of Elmore Zoning Bylaw.
2. The application was received by the Zoning Administrator on September 11, 2024. A copy of the application is available at the Town of Elmore Zoning Office.
3. On September 26, 2024 a notice of a public hearing was published in The News and Citizen.
4. On September 18, 2024, notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office Notice Board
 - b. 116 Sterling View Annex, which is within view of Sterling View Annex Road, the right-of-way most nearly adjacent to the property for which the application was made.
 - c. Elmore Town Hall Notice Board
 - d. Town of Elmore Public web site: www.elmorevt.org
5. On September 18, 2024, a copy of the notice of a public hearing was mailed to the applicant. On September 18, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Stephen & Heidi Ames
 - Jeffery C. and Maryann Bass
 - Michael J. and Sally A. Clark
 - William & Kristi Davey
 - Jeffery and Jamie Kollar
 - Andrew and Krista Plank

- Joseph L. Woodin

6. The application was considered by the Development Review Board at a duly warned public hearing on October 3, 2024.

7. The Development Review Board reviewed the application under the Town of Elmore Zoning Bylaw, as adopted January 20, 2020 (the Zoning Bylaw).

8. Present at the hearing were the following members of the Development Review Board:

- Michael Furst, Acting Chair
- Jason Cohen
- Caroline DeVore
- Thomas Waldman

9. 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 interested persons attended or requested party status in this application

8. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- A Conditional Use Zoning Application dated 9/17/2024
- VT Subdivision Permit EC-5-3206-3 dated 8/14/2001
- Vt Subdivision Permit EC-5-3206-2 dated 1/8/2001
- Vt Subdivision Permit EC-5-3206-1 dated 8/10/1999
- VT Land Use Permit 5L0624, 5L0624(Revised), 5L0624-1, 5L0624-2, 5L0624-6 and 5L0624-7 (All of record in the Elmore Land Records.** (See Footnotes at end.)
- Survey plan of record at Slide 127 Elmore Map Files showing deeded R-O-W.
- Copy of deed from Ezra Nasser to Margaret H. Pound (successor in title to Hobein outlining the ROW over the private development road.
- **House Plans** prepared by SU CASA dated 10/13/2023, Project 2335 for Christopher Hobein
- **Garage Plans** by ADVANCED HOUSE PLANS, dated 5/24/2024
- **Proposed Site Plan** dated 5/23/24 prepared by Grenier Engineering showing proposed house site at elevation 1,360msl.
- **Town of Elmore Zoning and Sewage Permit** approval Z-97-14W dated May 8, 1997. (Same sewage plans as current)

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 a single-family residence and a 24' x 24' detached garage. The subject property is a 7.07-acre parcel located at 116 Sterling View Annex Road in the Town of Elmore (tax map parcel no. 06/00/52.270). The property is more fully described in a Warranty Deed from Christopher Hobein to The Christopher Hobein Trust, dated March 18, 2022, and recorded at Book 87, Page 297 of the Town of Elmore Land Records. The lot was created and was “of record” prior to January 1, 2000. Elmore Zoning Permit #97-14W was issued for a single-family dwelling on this lot May 8, 1997.
2. The property is in the **Forest Reserve District** as described on the Town of Elmore Zoning Map on record at the Town of Elmore municipal office and in the Zoning Bylaw.
3. Conditional use approval is requested for the project as a single-family dwelling below the elevation of 1,500msl. The application requires review under the following sections of the Town of Elmore Zoning Bylaw:
 - Section 2.4, Table 2.4(E)
 - Section 5.3 – Conditional Use Review Process
 - Section 5.4 - Conditional Use Review Specific Standards
 1. Section 2.4, Table 2.4 (D) provides for Dimensional Standards and the Board finds that the project as presented complies with the standards.
 2. Section 5.4 provides for the review of the following criteria:
 3. Character of the Land: The Board finds that the character of the land is suitable for a single-family residence.
 4. Conformance with the Town Plan: The Board finds that the proposed development is in conformance with the Town Plan.
 5. Lot Layout: The Board finds that the lots conform to the dimensional standards, size and density of the Bylaw.

6. Monuments: The Board finds that the Plat depicts corner monuments of iron rods at each lot corner.
7. Landscaping and screening: The Board finds that the lot does not require additional screening. Clearing limits are depicted on the plat so that clearing should be restricted to the depicted building envelopes and to the approved sewage systems and components to lessen the impacts of the development.
8. Energy Conservation: The Board finds that the proposed building site is oriented to the south to take maximum advantage of solar.
9. Street Lighting: The Board finds that no street lighting is proposed nor required.
10. Subsequent Development Plans: The developer did not present any future development plans.
11. District Settlement Pattern: The Board finds that the proposed subdivision is designed to achieve the purpose and desired settlement pattern as defined in Article II, Table 2.4 of the Bylaws. The Board notes that there is an existing fire pond and dry hydrant adjacent to the lot.
12. Upgrades to Existing Roads: The Board notes that the existing private road does not require upgrades for this residence.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board **grants** the application for a single-family residence and detached garage in the Forest Reserve District.

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. Zoning permits may be renewed by the Zoning Administrator for a period of up to 10 years from the date of issuance unless the approved use is no longer allowed in the underlying zone. 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.

Dated at Elmore, Vermont, this 3rd day of October 2024.

_____, 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.

**FOOTNOTES:

Language from State Land Use Permit #5L0624-5:

“9. A 50’ undisturbed, naturally vegetated buffer strip shall be maintained between all watercourses on the project site and any disturbed areas.”

Language from State Land Use Permit #5L0624-6:

“8. Lot owners shall employ responsible practices for erosion control during house construction, as outlined in prior permits. Silt fence shall be installed downslope of any fill areas and hay bales shall be placed in drainage swales and at culvert inlets. All disturbed areas shall be seeded and mulched within 48 hours of final grading. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. No earth disturbance is permitted between October 15 and April 15 of any year.”

FINAL