

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

FINDINGS OF FACT & CONCLUSIONS OF LAW

**IN RE: Hob Knob Inn & Restaurant
Robert & Barbara Fisher (Owner)
2364 Mountain Road
Stowe, Vermont 05672**

BA-6-038

PROCEDURAL HISTORY:

The Zoning Administrator received this application for the construction of a garage/barn at the Hob Knob on August 1, 2003. The application was ruled complete, warned in the Stowe Reporter, and posted on July 31, 2003. A public hearing was held on September 2, 2003 at which point the hearing was closed. The Board deliberated and reached this decision October 7, 2003.

FINDINGS OF FACT:

1. The applicant owns the Hob Knob, a lodge and restaurant located at 2364 Mountain Road.
2. The applicant is seeking a permit to demolish an existing shed on the property, and replace it with a 22' x 30' post & beam style barn. The barn is to be used for the storage of automobiles, a workshop for the owner, and the like.
3. The barn is designed in a traditional architectural style common to Vermont. The barn is to be finished with traditional construction materials.
4. The site is located in the Upper Mountain Road Zoning District. An accessory use to the existing business may be permitted under 7.4(2) of the Zoning Ordinance.
5. Under the provisions of the Zoning Ordinance, the proposed construction is an accessory use to an existing Conditional Use which requires the prior review and approval of the Stowe Board of Adjustment (reference Section 4.7 of the Stowe Zoning Ordinance).

CONCLUSIONS OF LAW

4.7(2)(A) – Standards of review (Conditional Use Applications)

6. **Section 4.7(2)(A)(1) – Capacity of existing or planned community facilities & services:** The application is for an accessory structure for use as part of the existing lodge and restaurant. The property is served by municipal water & sewer services, and a private driveway off of Vermont Route 108. The structure will have electrical power, but does not require extensions of the water or sewer services.

Conclusion: The Board concludes there should be no discernable impact on municipal services.
7. **Section 4.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The barn is being constructed as part of an existing lodging use for the convenience of the owners and is not intended to increase the capacity of the existing business.

Conclusion: The Board concludes that the construction of the barn is unlikely to result in any appreciable increase in traffic from this site, nor should there be any adverse impact on traffic circulation.

8. **Section 4.7(2)(A)(3) – The character of the area affected:** The barn is located on the interior of an existing lodging property. The site currently has a dilapidated shed which will be torn down and replaced with the new barn. The barn is of a traditional design and style common to Vermont.

Conclusion: The Board concludes that there should be no discernable impact on the character of the area, nor will there be any adverse impact on the aesthetics of this area.

9. **Section 4.7(2)(A)(4) – Bylaws then in effect:** The Board reviewed this application under the provisions of Section 4.7 & 7.4 of the current Zoning Ordinance.

Conclusion: The Board found that there will be no adverse effect on the bylaws.

Section 4.7(2)(B) – Other Standards of Review:

1. The Board concludes that due to the very minor nature of the proposed alterations all standards established in Section 4.7(2)(B) have been met.

Section 4.9(1) – Site Development Plan Review Procedure

As a result of the December 6, 1999 amendments to the Zoning Regulations, the Board finds that it is now also charged with conducting site plan review under Section 4.9 of the Zoning Ordinance.

1. **Conclusion:** The Board concludes that due to the very minor nature of the proposed alterations, and including the fact that only minimal changes will be made to the site plan, all standards established in Section 4.7(9)(1) have been met.

DECISION:

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board reached the following decision in re: **BA 6-038 (Robert & Barbara Fisher):**

A motion was made by Mr. Brink and seconded by Mr. Walton to approve the application with the following conditions:

1. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.
2. This application is approved pursuant to the plans and specifications admitted into evidence. The project shall be completed in a manner consistent with the Board's findings and conclusions as well as the approved plans and specifications.
3. All exterior lighting on the property shall be installed and operated in accordance with the requirements of Section 4.4 of the Zoning Ordinance. All lighting fixtures shall be of a design which prevents the light source, directly or indirectly, from being apparent beyond the area being illuminated, and all light fixtures shall be shielded and/or aimed so that they do not cast direct illumination or cause glare beyond the property boundary. In no instance shall the installation or operation of the lighting approved herein cause the source of illumination to be visible from a public roadway or from a

neighboring property and at all times illumination levels shall be maintained at or below those maximums prescribed by the Zoning Ordinance.

All interior lighting and the lighting of entryways, signs, or similar features, shall be installed in a manner which prevents the light source from being visible from a public roadway or a neighboring property, nor shall it illuminate or cause glare beyond the property boundary.

The Zoning Administrator will not issue a Certificate of Occupancy for the use approved herein until such time as all of the outdoor lighting has been installed, and has been inspected during the evening hours for compliance with these requirements.

4. Elevation drawings shall be updated to show the location of the proposed lighting fixtures, and the product sheets shall be submitted showing the type, style, and wattage of the fixtures proposed. The applicant shall return to the Board to review this information prior to the issuance of a Zoning Permit.
5. The application form shall be completed in full and the applicant shall return to the Board to review this information prior to the issuance of a Zoning Permit.

Voting in favor: Mr. Aumand, Mr. Brink, Mr. Coppock, Mr. Izzo, and Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: Mr. Beddow. (Note: There is one vacancy on the Board at the time of this hearing).

The motion carries (5 - 0), the application is approved. Dated at Stowe, Vermont this the 7th day of October 2003.

By: _____
Allan J. Coppock, Chairman
Stowe Development Review Board

Any interested person may appeal this decision to the Vermont Environmental Court within thirty (30) days in accordance with 24 V.S.A. S 4471.

The foregoing represents the decision of the Stowe Board of Adjustment, and is NOT a permit. A zoning permit will not be issued by the Administrative Officer until all other necessary approvals have been obtained and the appeal period has passed. Commencement of the activities described within this decision without a valid permit constitutes a violation of the Stowe Zoning Regulations as provided in Section 23.4.

The use or occupancy of any building or activity approved in this decision requires the issuance of a Certificate of Occupancy. No Certificate of Occupancy will be issued until such time as all of the conditions of this decision have been fulfilled.