



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5376 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer (802) 985-5116	Town Manager (802) 985-5110	Zoning & Planning (802) 985-5118	Assessor (802) 985-5115	Recreation (802) 985-9551	FAX Number (802) 985-9550
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## CONDITIONAL USE APPLICATION

This application is to apply for a new use or to amend a use designated as "Conditional Uses" within the Town of Shelburne Zoning Bylaws:

**IMPORTANT NOTES:**

- This application is designed to be used in combination with the General Information Application.

**Conditional Uses, Zoning Bylaw Section 1610:**

- A conditional use shall only be allowed or enlarged if approved by the Zoning Board of Adjustment;
- Public notification and a public hearing before the Zoning Board of Adjustment is required;
- The Zoning Board shall determine the conditional use request complies with the criteria for a conditional use (*see page 2 of the application*) prior to giving it's approval; and,
- A public hearing before the Planning Commission for a site plan review is also required.

**1. PROPERTY LOCATION:**

Street Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Map Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**2. APPLICATION FEE:**

\$212, plus 3<sup>rd</sup> party review fees, and a \$10.00 recording fee

*Please make check payable to "The Town of Shelburne"*

(Note: If you are also applying for Site Plan Review, only one application fee of \$212 is required, plus 3<sup>rd</sup> party review fees, and a \$10.00 recording fee.)

**3. INDICATE THE CONDITIONAL USE(S) AND ZONING BYLAW SECTION(S) REQUESTED:**

*(Please contact Zoning Coordinator if unsure of Bylaw section)*

\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONAL USE JUSTIFICATION:**

*(Describe how your Conditional Use will effect/impact the following items)*

- 1. The capacity of existing or planned community facilities** *(i.e. public water, public sewer, Town roads, Town police, Town fire, Town recreation, etc.):*

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- 2. The character of the area affected:**

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- 3. Traffic on roads and highways in the vicinity** *(Describe: traffic trips per day; traffic increases/decreases; peak traffic times; etc):*

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- 4. Town Municipal Development Plan and Zoning Bylaws** *(Does the Town Plan and Zoning Bylaws support your conditional use request?):*

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- 5. The essential neighborhood or zoning district character; Will the conditional use substantially or permanently impair the use or development of adjacent property?; Will the conditional use be detrimental to the public welfare?**

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**CONDITIONAL USE APPLICATION  
SUBMITTAL MATERIALS**

1. **SITE PLAN (4 Copies)** A Site Plan (drawn to scale) showing the following:
  - a. Property owner's name(s)
  - b. North arrow;
  - c. Location map;
  - d. Date;
  - e. Scale (graphic and written);
  - f. Lot lines (boundaries) and dimensions;
  - g. Building locations;
  - h. Driveways and parking areas;
  - i. Site features (i.e. wooded areas, streams, drainage swales, ledge, etc.);
  - j. Existing landscaping (if developed site);
  - k. Name, address, phone number of person who prepared plans;
  - l. Proposed landscaping;
  - m. Tabular Data including:
    - Variance request information (if applicable);
    - Lot area;
    - Total building square footage;
    - Building coverage; and,
    - Parking (required spaces and proposed spaces).
  - n. Location of existing and proposed:
    - Streets;
    - Driveways;
    - Parking areas;
    - Pedestrian and Bike paths;
    - Utility & facility easements (water, sewer, power, cable, telephone, etc.),
    - Drainage easements;
    - Outdoor lighting; and
    - Signage.
  
2. **ELEVATIONS\*(3 Copies)** \*(If Constructing New Building Area) Building elevations showing the views of the building with the new building area including alterations, materials, colors, etc.
  
3. **ADJACENT PROPERTY OWNERS.** The applicant shall provide the following for each adjacent property owner (To include property owners directly across roads and watercourses):
  - a. A first-class stamped, addressed envelope.

The Town uses these envelopes and postage to send a notice to adjacent property owners stating your request and informing them of the Planning Commission meeting's location and time.

## CONDITIONAL USE REVIEW PROCESS

1. **SUBMITTAL**. Complete the General Information application and a Conditional Use application and return it to the Town of Shelburne Planning and Zoning Office (Ph. 985-5118).
2. **SCHEDULING**. Town staff will schedule the completed applications for the next available Zoning Board of Adjustment meeting as follows:
  - a. An application is considered complete once the fee; the application and the submittal materials are delivered to the Planning and Zoning office;
  - b. Planning and Zoning must receive the completed application a minimum of twenty (20) days in advance of the meeting to ensure an adequate public notice. Therefore applications received within twenty (20) days of the Board's meeting date cannot be scheduled till the following meeting; and,
  - c. Completed applications are scheduled on a first-come first-served basis till a meeting agenda is full. Any remaining applications are scheduled for the next Board meeting agenda.
3. **STAFF REPORT**. Town staff writes a report which:
  - a. Offers a recommendation of approval or denial to the Zoning Board of Adjustment;
  - b. Proposes conditions for the request (if needed);
  - c. Details the information submitted in the application; and,
  - d. Provides an analysis of the information in support of the recommendation.
4. **BOARD ACTION**. The Zoning Board of adjustment will take one of the following actions:
  - a. Approve the request (with or without conditions);
  - b. Deny the request; or,
  - c. Continue the request to the next meeting.

A Findings of Fact is drafted and signed once the Board votes on a final action. A copy of the Findings of Fact and a copy of the meeting minutes are mailed to the Applicant.

5. **SEWER CAPACITY ALLOCATION**. The applicant may apply to the Town Select Board for new or additional sewer capacity allocation once the Zoning Board of Adjustment has approved the conditional use. This Select Board approval is required before the Town will issue a building permit for the conditional use.
6. **PLANNING COMMISSION**. The applicant must apply for a Site Plan review by the Planning Commission once the Zoning Board of Adjustment grants approval for the Conditional Use.
7. **BUILDING PERMIT**. The applicant may apply for a building permit once:
  - a. The Planning Commission grants approval for the site plan; and,
  - b. The Select Board approves new or additional sewer capacity (if needed).Building permit applications are available in the Planning and Zoning office.

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