



Staff Report

Public Hearing: **May 22, 2018**

Petition: **Petition 11281
CUP 02419**

Zoning Amendment:
**RH-2 Rural Homes District TO A-2
(4) Agriculture District**

Town/sect:
ROXBURY, Section 21

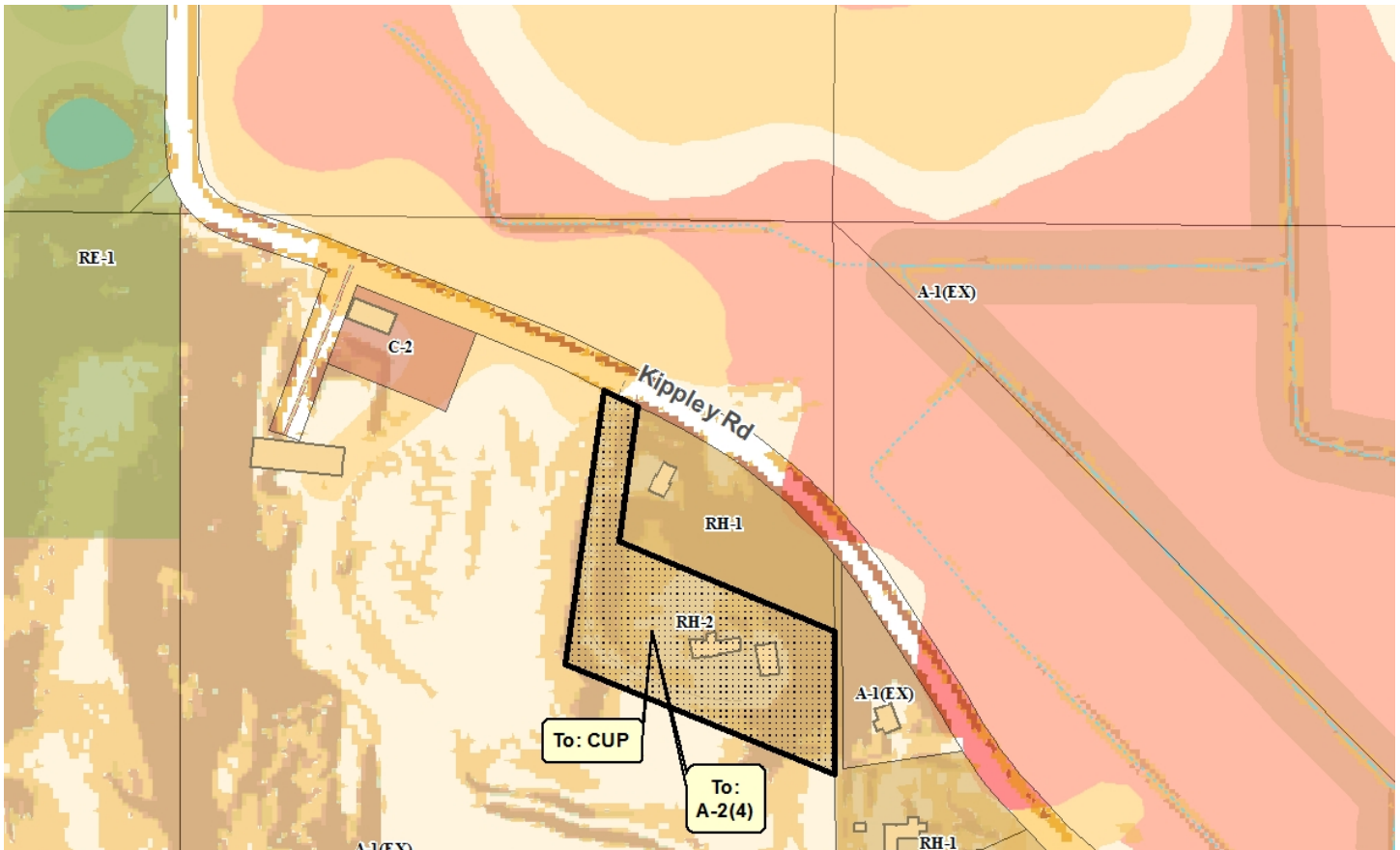
Acres: 4
Survey Req. No

Applicant
TIMOTHY J GLAUS

Reason:
**Limited Family Business
CUP: Allow a wholesale storage
business**

Location:
7015 KIPPLEY ROAD

Zoning and Land Regulation Committee



DESCRIPTION: Applicant is requesting approval of A-2(4) zoning with a Conditional Use Permit for an agricultural supply distribution center in order to resolve an outstanding zoning violation on the property. Zoning staff conducted an inspection of the property and documented the presence of an agricultural supply distribution center operating out of the shed behind the house. The proposed rezoning and CUP would bring the use into compliance with zoning regulations.

OBSERVATIONS: There is an existing residence and large shed on the property. Surrounding land uses include several residences, a construction business, and agriculture/open space. There is some vegetation on the east side of the property, but the current commercial activity area can be seen by the neighbor to the east.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: There are some resource protection corridors associated with steep slopes on site, but now new construction is planned.

STAFF: The Town Plan allows for commercial activity within Agricultural Preservation Area if the business supports agriculture in some fashion. The storage of materials and equipment outside may have a negative affect on neighboring properties.

TOWN: The Town approved with Conditions (next page)

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing. The following conditions are combined Town/County recommendations:

1. The applicant is responsible for privacy fence to be installed, to screen adjacent neighbors. (Town)
2. The applicant is responsible to coordinate with the Town to have the ditch and driveway engineered to facilitate drainage. (Town)
3. The applicant is responsible for submitting a plan that meets state containment guidelines and installing any infrastructure required. (Town)
4. This Conditional Use Permit is limited to an Agricultural Supply Distribution Center.
5. Outdoor storage of any materials, vehicles and/or equipment shall be stored in a neat and orderly manner, if possible to the north and west of the shed, away from neighbors.
6. The existing trees bordering the property shall be maintained and serve as additional screening between the outdoor storage areas and adjoining properties.
7. Lighting is limited to the existing flood light.
8. Deliveries are limited to 10 per week.
9. The hours of operation shall be 7:00 am to 4:00 pm
10. No business signage shall be permitted.
11. This conditional use permit shall automatically expire upon sale of the property to an unrelated 3rd party.