

## DEVELOPMENT REVIEW BOARD

Town of Underhill, VT

P.O. Box 32, Underhill Center, VT 05490  
E-mail: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

Phone: (802) 899-4434, x106  
Fax: (802) 899-2137

May 29, 2014

Mr. Wayne Russin  
P.O. Box 417  
Underhill, VT 05489

Re: Appeal of Zoning Administrators Decision dated April 10<sup>th</sup> 2014 for the operation of a motor vehicle repair shop on the property located at 810 Vermont Route 15, Underhill, VT (VT810), and subsequent preliminary violation letter from the Zoning Administrator dated April 18<sup>th</sup> 2014.

Dear Mr. Russin:

In response to your appeal of the above referenced decision, the development review board conducted a site visit on the subject property on 19 May 2014 and received testimony at a public hearing in the town hall shortly after the site visit. For additional information, refer to the Development Review Board information package for Docket 14-03 W. Russin, and the minutes of the Underhill Development Review Board meeting of 19 May 2014, as adopted.

In consideration of the matter before us the board reviewed the following evidence:

- a) A copy of the application for Appeal of ZA's Decision (dated 4-28-14);
- b) Letter from W.Russin requesting an appeal hearing (no date listed);
- c) Email correspondence from ZA to W.Russin (dated 3-19-2014);
- d) Letter from ZA to W.Russin (dated 4-10-2014);
- e) Letter from ZA to W.Russin (dated 4-18-2014);
- f) A copy of the hearing notice published in the Burlington Free Press on May 1, 2014;
- g) A copy of the tax map for VT810;
- h) A copy of Zoning Permit (October 1987) for a 36' x 50' garage on VT810;
- i) A copy of the zoning regulations at the time of permit application for the Rural Residential Agricultural zoning district (adopted in March 1973, amended in March 1987);
- j) A copy of Article II. Zoning Districts- Table 2.1 District Summary Table from 2012 Unified Land Use & Development Regulations;
- k) A copy of the Mountain Gazette Newspaper- Letter to the Editor 'Underhill Automotive Closed' (dated 4-3-2014);
- l) A copy of the Mountain Gazette Newspaper Article 'Changes Along Route 15' (dated 4-17-2014);
- m) A copy of the State of VT Small Business Fact Sheet- 'Auto Body Shop or Automotive Repair Facility';
- n) A copy of the State of VT Permit & License Information- Wastewater System & Potable Water Supply Permit;

Mr. Wayne Russin  
Re: 810 VT Route 15  
29 May 2014

- o) A copy of the VT Waste Oil Regulations- A Quick Guide for Auto Repair Shops;
- p) A copy of the procedure checklist for this meeting;
- q) A copy of email correspondence from Lori Preiss (property abutter) dated 5-19-2014), presented to the board at the hearing;
- r) A copy of a handwritten note from Betty Morel (undated), presented to the board at the hearing.

After reviewing the evidence presented with the appeal and additional evidence presented at the hearing, we find the operation of the automobile repair business as “nonconforming use” as outlined in section 3.10 of the 2012 Underhill Unified Land Use and Development Regulations (ULDR). Our findings are based on un contested testimony presented at the hearing, and based on said testimony we find that an auto repair business existed and operated on this site continuously since the late 1960’s. As such the use pre dated the Town of Underhill zoning regulations as adopted in March of 1973 and subsequent revisions.

Pursuant to regulation 3.10 of the ULDR the auto repair business at this location is a “non conforming use.” No zoning use permit is required. You have the right to continue the operation of a service business at the premise. Please be advised that any lapse in the operation of the use for a period greater than 18 months will forfeit the nonconforming status. This decision does not exempt you from conforming to Section 3.16 signs, and other applicable zoning regulations.

Sincerely,

*Charles Van Winkle*

Charles Van Winkle  
Chairman, Underhill Development Review Board

cc: Service List