

**ZONING BOARD OF ADJUSTMENT
PROPOSED FINDING & CONDITIONS
10 OLD STAGE ROAD, ESSEX JCT., VT
MAY 5, 2022**

FINDINGS:

- 1) The landowner is Chris West, d/b/a West Property Management & Development, LLC. The property is located at 10 Old Stage Road, in the Town of Essex, Chittenden County, State of Vermont (Tax Map 2:010-004-000.) The parcel lies within the Mixed-Use Development-Planned Unit Development (MXD-PUD-Subzone Medium Density Residential (R2) & the Business Design Control (B-DC) Overlay District. Although this lot is situated in the Business Design Control Overlay District, the design criteria does not apply to single-family dwellings in this district.
- 2) On August 11, 2016, the Planning Commission approved a conventional 6-lot residential subdivision (reference PC approval #2016-13). A plat was recorded in the Town of Essex Land Records @Slide 496. 10 Old Stage is referred to as Lot 1 on the plat, being a 0.47 acre lot± (20,633 sf±). Five (5) new lots resulting from the subdivision front on Lost Nation Road, with the original house lot retaining the address of 10 Old Stage Road.
- 3) The dimensional requirements for the R2 zone are as follows:

Minimum Lot Area	20,000 sf
Minimum Lot Area per Dwelling Unit	20,000 sf
Minimum Lot Frontage	100 ft
Minimum Front Setback (from ROW)	40 ft.
Minimum Side Setback	15 ft.
Minimum Rear Setback	20 ft.
Maximum Height	40 ft.

10 Old Stage Road is a corner lot and therefore has two front-yard and two side-yard setback requirements. The existing house and some of its associated structures do not meet the front and side setback requirements. The parcel is serviced by town water and town sewer and has a curb cut on both Old Stage Road and Lost Nation Road.

- 4) The following zoning permits have been issued to property:
 - ZP#2017-3, subdivision site work only (for the new lots);
 - ZP# 2018-161, deep retrofit to the interior of the existing house lot which retained the name 10 Old Stage Road;
 - ZP# 2019-220, continued renovations, adding an additional bedroom; adding a 2nd floor to the wood structure; and
 - ZP# 2022-20, renewal of ZP# 2019-220. (This permit shows 4 existing bedrooms and 1 additional bedroom.)

It is noted that at the time of this staff report this parcel remains under construction.

37 5) Prior to the issuance of the aforementioned zoning permits for 10 Old Stage Road, the
38 Zoning Administrator had the landowner reach out to the Town and State Historical Society
39 to see if the building(s) were on its historic register. In an email dated 8/7/2020, Elizabeth
40 Peebles of the Vermont Division of Historic Preservation stated, in part,

41
42 *I've reviewed our files and the house at 10 Old Stage Road in Essex has not been*
43 *previously evaluated by our office as a historic site and is not listed in the State or*
44 *National Register of Historic Places.*

45
46 Comments were provided in an email dated 7/11/2020, from Jerry Fox of the Town
47 Historical Society, as follows:

48
49 *Don't recall if I informed you that the ECHS board discussed the problem Chris West has*
50 *with the brick on the front of 10 Old Stage. We are comfortable with he wants to do.*
51 *I met with him on Fri, July 4th and discussed the situation. Told him our main objective*
52 *is to save the house and his remediation plan is OK.*
53 *All of that said, for historic buildings, we would like to be part of the approval process.*

54
55 6) The application is being reviewed under the Town of Essex Outside the Village of Essex
56 Junction Official Zoning Regulations, Articles II, Table 2.13(C)(1)&Table 2.5(C)(3)
57 'Conditional Uses – 'Church' and Article V, Section 5.7 Conditional Use. The Zoning
58 Regulations define a church as follows,

59
60 **Church:** *A building or structure, together with any accessory structures, used for the*
61 *regular assembly for religious worship, and which is maintained and controlled by a*
62 *religious body organized to sustain such worship.*

63
64 7) The applicant submitted a narrative dated 1 April 2022, and reads, in part, as follows:

65
66 *I am applying for Conditional Use Permit for this property. I am one of the founding*
67 *members of a VT founded Secular Humanist Religious Group.*
68 *We are just starting our organization and have about 10 active and 20 partially active*
69 *members.*

70
71 *The full membership of The Humanist Being Burlington Group meet once a week. The*
72 *maximum expected attendance at any full membership meeting would be about 30.*
73 *During other times smaller groups meet for various programs:*

- 74
75
 - *Philosophy and Critical Thinking Courses*
 - *Social Action Group*
- 76

- 77 • *YouTube show production (recording and editing)*
- 78 • *Book Club*
- 79 • *Recovering from Religion Support Group meetings*

80
81 *The Summer Kitchen part of the building (wood part) will be an open floorplan for use*
82 *for ceremonies ranging from Baby Naming to Weddings and Memorials as well as*
83 *location for larger and smaller meetings, as well as the weekly membership meeting.*

84
85 *The “residence” part of the building will be mainly used as the Parsonage, a home for*
86 *the clergy of the group as well as space for temporary shelter for the needy, a location*
87 *for smaller meetings, and even AirBnb for people from out of town who might come to*
88 *attend a course. We have plans to have an artist in residence who would also be living at*
89 *the Parsonage.*

90
91 *There will be a library (collection of books) which will be housed in the wood part of the*
92 *building, on-site which will be open to the public during regular hours housing books on*
93 *philosophy, secular humanism, and other topics of interest for freethinkers. The number*
94 *of people who would expect to visit the library is minimal. A few per day at most.*

95
96 *There are no plans at present to renovate or use the outbuildings as part of the Church’s*
97 *activities, however we reserve the right to renovate these buildings in the future and*
98 *would apply for a permit and follow all Town State and Federal regulations should we do*
99 *so.*

100
101 In addition to the above, the narrative also included a ‘Lot Analysis’ document dated 1 April
102 2022, which includes information on parking, lot coverage, traffic, wastewater, and water. A
103 copy was provided to the ZBA.

104
105 8) Staff provided a copy of the recorded mylar and the following plan:

106
107 *DWG. 1 of 4 “Proposed Residential Subdivision, 10 Old Stage Road, Hayward*
108 *Design Build, Essex, Vermont,” prepared by JH Stuart Associates, dated 9/28/15, last*
109 *revised 7/12/2016; and*
110 *Subdivision of Lands of Hayward 10 Old Stage Road, LLC 10 Old Stage Road Essex*
111 *Vermont” as drawn by Richard Wl Bell L.S. #638 VT.*

112
113 The applicant provided a computer-generated diagram showing the lot, including the
114 location of buildings and parking spaces, date stamped received by the Community
115 Development Department on April 1, 2022.

116

117 9) Article V, Table 3.3 ‘Off-Street Parking Space Requirements’ of the *Town of Essex Official*
118 *Zoning Regulations* require 1 per four seats plus one space per 200 gross SF of space not
119 devoted to seating. The applicant has indicated that the maximum full membership would be
120 about 30. This would calculate for the need 7.5 parking space, rounded to 8; and the single-
121 family home would require 2.3, rounded to 3 parking spaces, thereby creating a need for 11
122 parking spaces. The applicant’s diagram shows 18 parking spaces. None of the parking
123 spaces delineate ADA parking. [It is noted that Finding 13, Line 151 (under Water and
124 Sewer) indicates there will be a total of 40 parishioners.)
125

126 10) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on
127 the property.
128

129 11) The abutting property owners were notified of this meeting by certified mail.
130

131 12) The landowner and applicant were emailed a copy of this Staff Report prior to the meeting.
132

133 13) In a memo dated 4/26/2022, Public Works said,
134

135 *The Public Works office has reviewed the application for the proposed religious*
136 *organization at 10 Old Stage Road and comments have been provided below.*
137

138 **Traffic and Drive Layout**

139 1. *Public Works agrees that egress from the property should be limited to the Curb*
140 *Cut accessing Lost Nation Road. As this type of traffic pattern is difficult to*
141 *enforce with work of mouth. Public Works would ask that some signage be*
142 *installed to demonstrate this intent. As the Applicant does not indicate plans for*
143 *reconstructing the existing curb cuts, Public Works will not require a Curb Cut*
144 *permit at this time. However, if the Applicant decides to improve or modify either*
145 *of the existing curb cuts, Public Works would require that the Applicant submit*
146 *for a Curb Cut Permit.*
147

148 **Water and Sewer**

149 1. *The existing single-family home located at 10 Old Stage Road is currently*
150 *connected to both water and sewer with 200 GPD of both water and sewer*
151 *capacity.*
152 2. *The applicant has reached out to staff to discuss water and sewer allocation prior*
153 *to this application. The applicant has proposed to add a total of 40 parishioners*
154 *to the existing single family home use. Per the current Sewer Use Ordinance, 1.5*
155 *GPD per parishioner in additional water and sewer allocation will be required if*

156 *this application is approved. A total of 60 GPD of both water and sewer*
157 *allocation will be required.*

158 3. *The applicant will be required to submit a Sewer Allocation application for the*
159 *additional 60 GPD of sewer allocation required for this submittal.*

160
161 4. *The sewer and water connection fees are estimated at the following, under the*
162 *assumption that the building will house a maximum of 40 parishioners in addition*
163 *to the single-family home. If the current connection fee changes from the date of*
164 *this memo and at the time a permit is pulled, then the fee charged shall be the fee*
165 *in effect at the time of submittal for a building permit.*

166 a. *Water: 60 GPD x \$5.78/gallon + \$0 = \$ 346.80*

167 b. *Sewer: 60 GPD x \$10.30/gallon + \$0 = \$ 618.00*

168 c. *Total = \$ 964.80*

169
170 **Storm water**

171 1. *All work shall conform to the Town of Essex Storm water Ordinance, Town of*
172 *Essex Standard Specifications for Construction, and the State of Vermont Small*
173 *Scale Site rules for erosion control.*

174
175 **Pedestrian Facilities**

176 1. *Public Works recommends that the previously approved sidewalk located along*
177 *the northern side of the property fronting Lost Nation Road be constructed as part*
178 *of this application. The applicant has been clear that it is the intent of this project*
179 *to utilize parking throughout the Town Center area, and to utilize the existing*
180 *pedestrian network to gain access to the proposed site. Construction of this*
181 *section of pedestrian path would provide a safe pedestrian route to and from the*
182 *proposed use. Additionally, the applicant should construct the previously*
183 *approved path to address all current ADA standards within the public ROW.*

184
185 14) *In an email dated 5/2/2022, the Recreation Director said, After reviewing the plans again, the*
186 *Recreation department agrees with Public Works regarding the ADA sidewalk and crosswalk*
187 *build for increased connectivity. This also will be a safe way for the business to have their*
188 *patrons park and walk to the building with their nearby offsite parking.*

189
190 15) *In an email dated 4/7/2022, & 4/11/2022 respectively, the Fire Chief said, The fire*
191 *department requests that the Applicant check with the State Fire Marshall to insure*
192 *compliance with access, fire alarms, etc. inside. I have a question about the size of this*
193 *property and their parking needs. I am concerned that cars parking close to the intersection*
194 *(blue spaces) would limit sight distances, and where do they propose to put snow in the*
195 *winter?*

- 196 *They'll need to get a permit from the State Fire Marshall as it changes the use of the*
197 *property over to an 'Assembly' which then applies a variety of requirements for them.*
198 16) In an email dated 4/28/2022, the Police Chief noted that the Fire Chief and Public Works
199 addressed his concerns regarding traffic and parking.
200
201 17) Chris West spoke on behalf of this application. No one from the public commented on this
202 application OR _____ provided comments on this application:
203
204 18) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, **the applicant** provided
205 the following response:

206
207 **5.1 A-1: Capacity of Existing or Planned Facilities:** *There are no Secular Humanist*
208 *Community Centers/Gathering Places in Vermont, never mind in Essex. The Secular*
209 *Humanist Community is one of the fastest growing "religious" groups in the US*
210 *today. People who are not part of an established "theist" religion (religions that*
211 *have god or gods) have traditionally not created Church-type communities in the past*
212 *because we thought that civil society was doing the secular work.*

213
214 *We started this group in 2020, and have been working on in-person community since*
215 *January 2022 (because of the pandemic). The interest has been overwhelming,*
216 *including from people who already live in Essex.*

217
218 *There is a need for non-theistic community organizations like The Humanist Being in*
219 *Essex, Chittenden County and Vermont in general.*

220
221 **5.7 A-2: Character of the area affected:** *Ten Old Stage Road has been a residential*
222 *neighborhood going back to the founding of the town. However, in the past twenty*
223 *years the neighborhood has been changed due to the commercial development south*
224 *of Route 15.*

225
226 *"Churches" dot the landscape of the area including multiple churches along Rt 15*
227 *near Five Corners as well as the Alliance Church down Old Stage Road.*

228
229 *"Churches" fit into the fabric of both residential and non-residential neighborhoods.*

230
231 **5.7 A-3: Traffic on Roads and Highways:**

232 *Ten Old Stage road has a unique double curb that is historical. There is a curb*
233 *cut on Old Stage Road as well as on Lost Nation Road. The high volume on Old*
234 *Stage Road depends on the time of day. Most of the activities associated with the*
235 *"Church" designation would take place on afternoons, evenings, and weekends,*

236 *which are outside of the high volume times for traffic on Old Stage Road.*
237

238 *As the ZBA instructs, we are willing to engage a professional company to do a*
239 *Traffic Survey to satisfy the effect of this conditional use on the existing traffic*
240 *patterns, but we don't suspect that our little 'church' would affect the traffic*
241 *patterns in any significant way.*
242

243 *We are also, as a part of our beliefs, big supporters of public transportation and*
244 *the proximity (with 1000 ft) of two bus stops will, if used by parishoners, reduce*
245 *the traffic pressures of any conditional use as a 'church'.*
246

247 **5.7 A-4 Bylaws and Ordinances in effect:**

248 *After discussing this project with the Town Zoning Administrator, we have not*
249 *been informed of any bylaws or ordinances that this conditional use request*
250 *would impede or impact.*
251

252 **5.7 A-5: Utilization of Renewable Energy Resources:**

253 *Although we do not currently have any plans to include any PV solar or wind*
254 *production on the site, our beliefs (Secular Humanism) include environmentalism*
255 *as one of our twelve commitments. Should the conditional use be approved, and*
256 *the 'church' decides to invest in PV or wind production on site there are a few*
257 *good options, including the use of the roof of one of the exiting out buildings*
258 *which has south facing roofs.*
259

260 **5.7 B-1: Conformance with Town Plan:**

261 *Part of the Town Plan is to provide an environment where organizations which*
262 *provide services to the local community are not only allowed but promoted.*
263

264 *A secular humanist 'chruch' provides social cohesion for people who live in and*
265 *around the Town of Essex. Our moral, ethical, and social justice emphasis will be a*
266 *force for good in the future of the Town and it's citizens.*
267

268 *It would be hard to find a point where the foundation of a 'church' in a town could be*
269 *considered at odds with any Town Plan, in our opinion.*
270

271 **5.7 B-2: Site Plan Review-Criteria:**

272 *The Site Plan Review Criteria have been discussed in the previously submitted*
273 *documents to the ZBA.*

274 *Should this not be sufficient, if we understand what is missing, we would be happy to*
275 *include an addendum laying out whatever is missing.*

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5.7 B-3: Conformance with Community Character:

It would be hard to imagine how the founding of a ‘church’ on the basis of human rights, social justice, environmental justice, equity, peace, critical thinking, altruism, and other Secular Humanist principles could not conform with the Character of the Community.

However, as a church building, the plans are not to change the character of the existing buildings, besides creating more parking, as the zoning requires.

The historic nature of the house and out-buildings, although not on any local, State or National historical list, will be maintained. Thus, the change of use from single family zoning to a ‘church’ would have no visual change on the character of the community.

If for some reason we have misunderstood what “Conformance with Community Character” we would be happy to learn better what the Zoning Regulations mean by this as there is no expanded definition under the Zoning Regulations Article VIII: Definitions.

19) The Zoning Administrator noted the following concerns:

- It is unclear if the applicant plans to use this property as a church with parsonage, or keep the classification of a single-family home, or both. Lot coverage does not come into play with a single-family house; multi-family allows for 40%, however this lot does not have the required lot area for anything more than a single family. The maximum lot coverage for nonresidential use is 70%. A caretaker apartment is not an allowed use in the R2 zone, and an accessory apartment is only allowed with a single-family house (and the landowner must live in either the house or the apartment.) If an Airbnb is considered with this application, or for a future application, it is noted that each bedroom can be rented out at the same time, which would increase parking needs.
- The applicant’s diagram does not address Section 3.9 ‘Off-Street Parking and Loading Requirements’ such as the dimensions of the parking spaces and maneuvering aisles;
- No outdoor lighting proposed on building or parking areas;
- No area is shown on the diagram for snow storage;
- The applicant has listed several different types of uses for this property and the ZBA should pin down when and if these uses will be/could be occurring at the same time and specific hours of operation should be provided for each use.
- This property is only approved for 1 kitchen, however reference is made to “a

- 316 summer kitchen” in the applicant’s narrative.
- 317 • Temporary shelter for the needy. Need more information on how it would be
 - 318 operated; who will oversee this use and how many individuals at any one time, etc.
 - 319 • More discussion is needed on a possible operation of an Airbnb.
 - 320 • As Public Work’s has requested installation of a paved path and sidewalk along the
 - 321 parcel fronting Lost Nation Road, it may require the removal of parking spaces as
 - 322 shown in this area on the applicant’s diagram;
 - 323 • It is recommended that a formal site plan be submitted for review showing paved
 - 324 driveways, constructed to PW standards; parking areas, snow storage area(s); and the
 - 325 setbacks of each building; and
 - 326 • It is recommended that the ZBA continue the hearing and schedule a site visit as this
 - 327 is a small corner lot with several buildings in close proximity to one another.

328

329 20) Pursuant to Section 5.7 **Conditional Use Review**: Conditional use review is intended to

330 ensure compliance with standards addressing the potential impacts of development.

331 Typically, land uses are subject to conditional use review because their scale, intensity and

332 potential for off-site impacts warrant more careful scrutiny by the Board of Adjustment.

333 Standards and conditions relate to the identification, avoidance and mitigation of potential

334 impacts. In reviewing applications for conditional use approval, the Board of Adjustment

335 shall consider and may impose conditions and safeguards only with respect to criteria

336 specified below.

337

338 (A) **General Standards.** The Board of Adjustment, after public notice and public hearing,

339 may grant conditional use approval only upon finding that the proposed development

340 shall not result in an undue adverse effect on any of the following:

- 341
- 342 (1) Capacity of existing or planned community facilities – The Board shall consider
 - 343 the demand for community services and facilities resulting from the proposed
 - 344 development in relation to the available capacity of affected services and
 - 345 facilities, the Town’s adopted capital improvement plan, official map and any
 - 346 impact fee ordinance in effect. Conditions, including project phasing or
 - 347 improvements necessary to accommodate the proposed development, may be
 - 348 imposed as necessary to ensure that the demand for facilities or services does not
 - 349 exceed existing or planned capacity.

350 **The Zoning Board finds: There [WILL OR WILL NOT] be no adverse effect on the**

351 **capacity of the existing or planned community facilities;**

- 352
- 353 (2) Character of the area affected – The Board shall consider the location, scale,
 - 354 type, density and intensity of the proposed development in relation to the
 - 355 character of the area likely to be affected, as defined by the purpose(s) of the

356 zoning district(s) within which the project is located, and specifically stated
357 polices and standards of the municipal plan.

358 **The Zoning Board finds: There [WILL OR WILL NOT] be no adverse effect on the**
359 **character of the area/neighborhood affected;**

360
361 (3) Traffic on roads and highways in the vicinity – The Board shall consider the
362 projected impact of traffic resulting from the proposed development on the
363 existing and planned capacity, safety, efficiency and use(s) of affected roads,
364 bridges and intersections. A traffic impact study may be required. The Board
365 will rely on generally accepted transportation standards and the Town’s adopted
366 road and public works standards in evaluating traffic impacts, and shall not
367 approve a project that will result in the creation of unsafe conditions for motorist,
368 pedestrians, or cyclists, or unacceptable levels of service for local streets,
369 highways and intersections. The Board may impose conditions as necessary to
370 avoid or mitigate undue adverse effects resulting from the proposed
371 development, including improvements to the street network and/or traffic
372 management strategies and control devices.

373 **The Zoning Board finds: There [WILL OR WILL NOT] be no adverse effect on**
374 **traffic on roads and highways in the vicinity;**

375
376 (4) Bylaws and ordinances in effect – The Board shall consider whether the
377 proposed development complies with all municipal bylaws and ordinances in
378 effect at the time of application, including other applicable provisions of these
379 Regulations. No development shall be approved in violation of existing
380 municipal bylaws and ordinances.

381 **The Zoning Board finds: The proposed use [WILL OR WILL NOT] be in**
382 **compliance with the bylaws now in effect;**

383
384 (5) Utilization of renewable energy resources – The Board shall consider whether
385 the proposed development will interfere with the sustainable use of renewable
386 energy resources, including the existing and future availability of and access to
387 such resources, on adjoining properties.

388 **The Zoning Board finds: The proposed use [WILL OR WILL NOT] adversely**
389 **affect utilization of renewable energy resources;**

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391 (B) **Specific Standards.** In addition the preceding general standards, the Board shall also
392 consider, and may impose conditions as necessary with regard to:

393
394 (1) Conformance with the Town Plan – Applications for conditional use approval
395 shall conform to specific, applicable policies and objectives of the Town Plan of
396

397 record. **The Zoning Board finds: The proposed use [is/not] in conformance**
398 **with the Town Plan;**

399
400 (2) Site plan review criteria – The Board of Adjustment may apply any applicable
401 site plan review criteria under Section 5.6 in its review of conditional use
402 applications that do not require site plan review and approval as it deems
403 necessary to fully evaluate a proposed conditional use under the criteria of this
404 section. **The Zoning Board finds: The proposed use [does/does not] require**
405 **site plan review; and**

406
407 (3) Conformance with community character – The Board of Adjustment may
408 consider whether the development has an undue adverse effect on the character
409 of the community as specifically expressed in the policies and objectives of the
410 Essex Town Plan. **The Zoning Board finds: The proposed use [is/is not] in**
411 **conformance with community character.**

412
413 **PROPOSED CONDITIONS IF SITE VISIT NOT WARRANTED:**

- 414
415 1. Prior to the next meeting, the applicant shall submit a site plan showing the existing
416 conditions and proposed improvements to the site, including signage and ADA
417 requirements.
- 418 2. The applicant shall submit a Zoning Permit application for the use and associated site
419 improvements.
- 420 3. The applicant shall submit a curb cut application prior to any improvements to either curb
421 cuts or within any work to be done within the town right-of-way.
- 422 4. The applicant shall submit a Water and Sewer Allocation Application for 60 gpd's of
423 both water and sewer, to be approved by the Town Manager or the Selectboard.
- 424 5. The applicant shall submit a Water Application and pay Three Hundred Forty-Six Dollars
425 and eighty cents (\$346.80) for the approved water capacity; and shall pay Six Hundred
426 Eighteen Dollars (\$618.00) for the approved sewer capacity, or the amount in effect at the
427 time of submittal.
- 428 6. The applicant shall conform to the Town of Essex Storm Water Ordinance, Town of
429 Essex Standard Specifications for Construction, and the State of Vermont Small Scall
430 Site rules for erosion control.
- 431 7. The applicant shall pave the path, as shown on the Site Plan noted in Finding 9 above,
432 along the northern side of the property fronting Lost Nation Road and shall install the
433 section of sidewalk near the corner of Lost Nation/Old Stage to ADA standards.
- 434 8. Prior to the issuance of a Certificate of Occupancy, the applicant shall install 'Do Not
435 Enter' signage for the curb cut on Old Stage Road and 'Exit Only' signage on Lost
436 Nation Road. This signage shall be shown on the site plan.

- 437 9. The parking spaces shall be line-striped at all times and shall have the required ADA
438 spaces marked as required by the state.
- 439 10. Prior to the issuance of a Certificate of Occupancy, the applicant shall secure a permit
440 from the State Department of Fire and Safety for the use of a religious organization; and
441 to assure compliance with access, fire alarms, etc.
- 442 11. The applicant shall request that the Vermont Division of Historic Preservation examine
443 the parcel to determine if it should be on its register.
- 444 12. Any legal documents resulting from off-site parking agreements shall be reviewed and
445 approved by the Town Attorney, at the expense of the applicant.
- 446 13. As long as the lot is utilized as a church, including a parsonage, an Airbnb shall not be
447 approved.
- 448 14. ? condition re: temporary shelter use and/or Airbnb.
- 449 15. All conditions from previous approvals shall remain in effect except as modified herein.
- 450 16. By acceptance of the conditions of this approval without appeal, the applicant confirms
451 and agrees for himself and all assigns and successors in interest that the conditions of this
452 approval shall run with the land and the land uses herein permitted and, will be binding
453 upon and enforceable against the applicant and all assigns and successors in interest.

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