

RESOLUTION 2021-08 09

AUTHORIZING A CONDITIONAL USE PERMIT ASSOCIATED WITH A VEHICLE SALES OPERATION AT 436 WEST MAIN STREET

WHEREAS, Jerry Harbort and Peter Bothe (“the Applicants”) are proposing to use property at 436 West Main Street, consisting of Parcels 081210344978 and 081210368443 (“Subject Property”), for a used vehicular sales operation; and

WHEREAS, the Village has classified the requested use as being encompassed by the following conditional use listing in B-G General Business District per Section 13-1-31(c)(1) of the zoning ordinance: “The sale, service, repair, testing, demonstration or other use of piston-type engines or motors, or any type of device, appliance or equipment operated by such engines or motors”; and

WHEREAS, pursuant to said zoning ordinance provisions, the Applicant submitted an application for a conditional use permit on the Subject Property, and also requires site plan approval for associated building, site, parking, landscaping, and other improvements; and

WHEREAS, the Village Plan Commission held a public hearing on March 24, 2021 to consider the conditional use permit application; and

WHEREAS, on May 26, 2021 the Commission recommended Village Board approval of the requested conditional use permit subject to the conditions reprinted in this resolution, and approved a site plan subject to the condition that such site plan approval does not take effect until a conditional use permit is granted.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds that the standards for granting a conditional use permit in Section 13-1-66 of the zoning ordinance are met, and authorizes on the Subject Property a conditional use permit for a vehicle sales operation, subject to the following conditions:

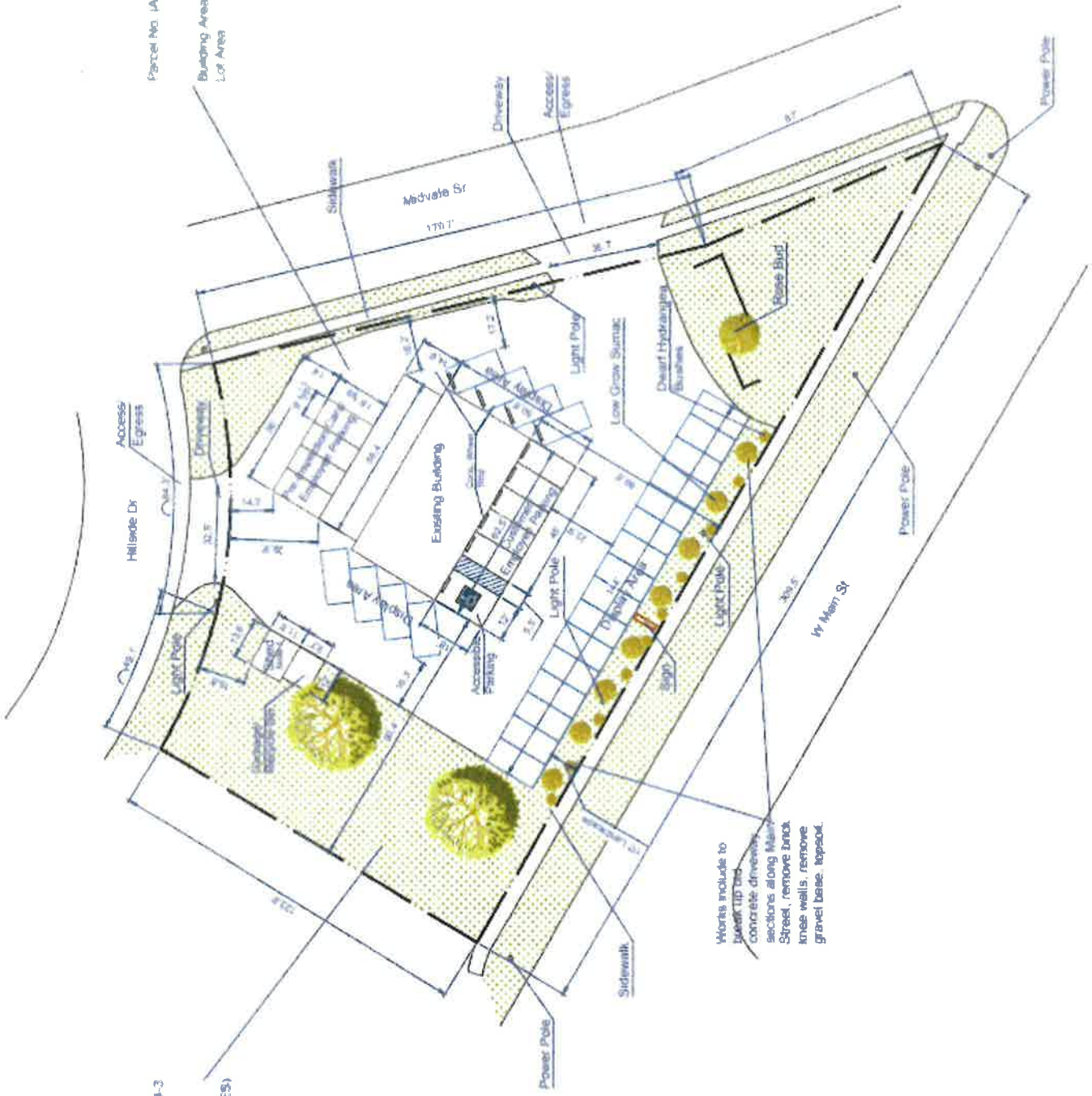
1. The layout of the conditional use shall be in accordance with the site and building elevation plans dated 5/20/21, subject to resubmittal and Village Administrator approval of site plan revisions per Exhibit A, and except as otherwise may be authorized by Plan Commission site plan approval.
2. Operation of the conditional use shall be limited as follows:
 - a. Not more than 24 operable passenger automobiles and light duty trucks on-site and outdoors at any one time, aside from employee and customer vehicles.
 - b. All vehicles for sale displayed outdoors shall be on a paved surface in spaces marked and striped for that purpose per the Village-approved site plan.
 - c. Vehicle repair and maintenance services are prohibited, except for incidental detailing of vehicles for sale or by approval of a new or amended conditional use permit.
 - d. All operations, including loading and unloading, shall occur on the Subject Property and not in any public street.
 - e. Operations shall not involve the outdoor storage of any materials or equipment, aside for operable vehicles and trash and recyclables in a screened enclosure.
 - f. To the extent practical, traffic shall be directed to the Midvale Drive driveway.
 - g. The site shall at all times comply with Sections 10-5-8 (Junk Vehicles and Appliances on Private Property) and 10-5-9 (Unregistered Vehicles) of the Village Code of Ordinances.

Exhibit A

6 W Main St. Marshall, 53559 rev3 Dated 5/20/2021

Parcel No. (APN): 0812-103-4497-8
 Building Area: 2,420 SF
 Lot Area: 23,960 SF (0.55 ACRES)

No. (APN): 0812-103-8044-3
 G Area: 9,181 SF (0.21 ACRES)



Works include to
 remove top of
 concrete driveway
 sections along Main
 Street, remove brick
 knee walls, remove
 gravel base, topsoil.

Note 1
 Shaded area
 Graphic Scale
 408 W MAIN ST
 MARSHALL, VT
 Scale 1"=40'