

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Approval – Pre-existing/non-conforming Use
#2023-11-CU Bada Bing LLC & Nicholas Lizotte

Application #2023-11-CU submitted by Bada Bing LLC & Nicholas Lizotte requested Conditional Use approval for the renewal of a pre-existing/non-conforming use which expired April 30, 2023. The request for renewal is for a two-year period at a minimum, possibly longer. The property is located at 527 Sugarbush Access Road, parcel id # 005004-1 in the Rural Residential District.

A duly warned hearing was held Monday September 18, 2023 and attended by DRB members Chris Behn, Megan Moffroid, Peter Monte (Chair), Jeff Schoellkopf and Donald Swain. Others in attendance were Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary), George Abad, Glenn Acker, Mike Kelley (Bada Bing, LLC), Nicholas Lizotte, Gunner McCain, Mae Valenzuela and Merced Valenzuela.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application and worksheet, letter of intent, notice to abutters and proof of mailing.
- 2) Since the 1960's, prior to local zoning, there has been an operation of a restaurant on this parcel.
- 3) The Board found that the decision made regarding this application will be determined through what is outlined in Section 3.7(B)(1) of the Land Use and Development Regulations, because this is a pre-existing nonconforming use which has been discontinued for more than twelve months and which may only be resumed if approved by the DRB using Conditional Use Criteria.
- 4) The Board found that the General Standards of Conditional Use outlined in Section 5.3 (A)(1), (4), and (5) are satisfied.
- 5) The Board found that the General Standards of Conditional Use outlined in Section 5.3 (A)(3) is satisfied.
- 6) The Board found since the restaurant use has been discontinued, there has been little or no increase in residential use in the nearby vicinity.
- 7) The Board found that there has been very little new development on that segment of the Access Road.
- 8) The Board found that exterior lighting associated with the restaurant use consists of one parking area light, one light on the restaurant building to light the stairway, one light to light employee parking, and one light on either side of the roadside sign.
- 9) The Board found that with the conditions imposed, the General Standard of Section 3.5 (A)(2) is satisfied.

Notice of decision:

The Development Review Board, having found that the Conditional Use Standards have been met, approve the resumption of a restaurant use at the property located at 527 Sugarbush Access Road, as provided for in Section 3.7 (B)(1) of the Regulations, subject to the conditions adopted at the hearing as listed below:

1. The number of seats in the restaurant are not to exceed 95 seats at any time, and that there will be no outdoor patron activity.
2. The existing lighting configuration as listed in the Findings, are not be altered without further Conditional Use approval by the DRB.
3. This approval does not relieve the applicant from obtaining any other State or local permits that may be required for this project.

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Approval – Pre-existing/non-conforming Use
#2023-11-CU Bada Bing LLC & Nicholas Lizotte

Development Review Board


Peter Monte, Chair

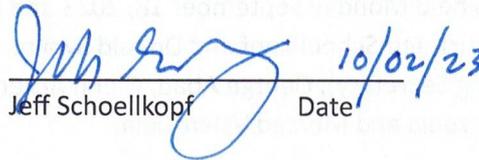
Date 10/3/23


Chris Behn

Date


Megan Moffroid

Date

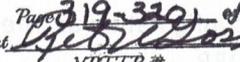

Jeff Schoellkopf

Date

Donald Swain

Date

Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. The applicant or any other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§4471].

TOWN OF WARREN VERMONT
Documents received for record on
10/3 2023 at 9:30 
M. Recorded in Volume 281
Page 319-320 of the Warren Land Records.
Attest  Town Clerk
VPTTR # _____