Conditional Use Approval Application #016-2022 NAME(S): Cherry Bomb, LLC APPLICANT: Eliza & William Bishop LOCATION: 1-3 Old Firehouse Lane, Northeast Harbor TAX MAP: 024 LOT: 108-001 ZONE(S): Village Commercial (VC) PURPOSE: Section 5.6 - Amendment to a previously approved Conditional Use Approval Application (CUA #006-2013). Restaurant Use. SITE INSPECTION: 3:30PM

#### 5.6 Amendment

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

An amendment to a Conditional Use Approval may be issued by the Planning Board only:

**1.)** finding that there have been significant changes of conditions or circumstances; and

Findings of Fact(s): \_\_\_\_\_ See Application.

(Loftus Keller/Ashmore) Motion approved 4-0.

## Conclusion of Law:

Based on the plans submitted, there is a significant change of conditions or

circumstances to the structure. (Loftus Keller/Ashmore) Motion approved 4-0.

**2.)** in conformity with the procedural and substantive requirements set forth in Section 6A and the applicable standards of Section 6B and 6C.

Findings of Fact(s):	Section 6A was reviewed. See Application.
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Sections B and C are Not Applicable.

(Loftus Keller/Kunje) Motion approved 4-0.

## Conclusion of Law:

The Application is in conformity with the procedural and substantive requirements

set forth in Section 6A and the applicable standards of Section 6B and 76C.

# 3.) when justified by a statement of findings of fact and reasons.

Findings of Fact(s): <u>An amendment to a conditional use approval is justified by</u>

findings of facts and conclusions of law with changes to a previously conditional

use, other than minor changes in the size of improvements shall require an

amendment by the Planning Board.

(Loftus Keller/Ashmore) Motion approved 4-0

# Conclusion of Law:

See Application.

(Loftus Keller/Ashmore) Motion approved 4-0.

# FOR BOARD USE AMENDED CONDITIONAL USE APPROVAL

**PERMIT CONDITIONS**: In addition to all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:

(Loftus Keller/Ashmore) Motion approved 4-0.

2022

# AMENDED APPLICATION

<b>APPROVED</b> :	11/9/2
	(Date)

DENIED:

(Date)

**NOTE:** The holder of a Conditional Use Approval must construct and operate the approved conditional use as applied for and as represented during the permitting process to the Planning Board.

**NOTE:** The Land Use Zoning Ordinance requires that a Conditional Use Approval must be undertaken within one year from the date of approval, or a new permit must be obtained.

MINUTES OF THIS PUBLIC HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER

## SIGNATURES OF BOARD MEMBERS:

Recused

William Hanley, Chairman

David Ashmore

David Ashmore

<u> Tracy Loftus Keller</u>

Tracy Loftus Keller

<u>Meredith Raudolph</u> Meredith Randolph

Gloria Kunje, Alt.