

Variance Hearing
Bob and Wendy Parrish
July 24, 2017

To consider a variance request by Bob and Wendy Parrish to build an accessory structure within the Shoreland Protection District on a non-conforming lot at their property at 9 E. Edgewood Lane.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District, #2 Accessory Structure, E) Dimensional Standards, and 5.5 Variances.

Warnings were posted on July 3, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: Berger and Bennum, Daniels and Lamm, Bennum Trust, William Jenkins, Michael Kreider and Ila Hunt on July 3, 2017. It was also published in the Hardwick Gazette on Wednesday, July 5, 2017.

Development Review Board members present: MacNeil, Linda Romans, Sean Thomson, Jane Woodruff, Wayne Young, Lee Wright, Janet Travers, (alternate).

Development Review Board members absent: Nat Smith, BJ Gray. Also absent: Audrey DeProspero, Zoning Administrator

Others Present: Bob and Wendy Parrish

During the course of the hearing the following exhibits were submitted:

#1 Diagram of proposed shed from applicant

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:05 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Ms. Woodruff then asked Mr. Parrish to explain what he wants to do on his property at 9 E. Edgewood Lane.

Mr. Parrish explained that he wishes to erect a pre-constructed storage shed that would measure 18 feet long x 12 feet wide x 11 feet high. The proposed shed, which is delivered in flat panels, would have no below-ground foundation, and would involve no pouring of concrete or excavation. Mr. Parrish proposes that the shed would sit on cement blocks that would be resting on top of a 14 feet x 20 feet Sta-mat pad. A culvert would be installed under the Sta-mat to allow continued good drainage of the land. The shed would have the same siding and roof shingles as on the applicant's house. The shed would have no loft space, and would be used to store tools, boats, mowers, and similar equipment.

Mr. Parrish's pre-existing, non-conforming lot is 240 feet deep and 82 feet wide. The 0.5 acre lot does not meet the Shoreland Protection District's minimum lot size of 1 acre. The 82-foot shoreline frontage and lot width measurement does not meet the Shoreland Protection District's minimum of 100 feet. The proposed shed does meet the minimum lot depth requirement of 200 feet for a structure in the Shoreland Protection District. The proposed shed would be set approximately 62 feet from the centerline of the road, and would be approximately 160 feet from Caspian Lake. The proposed shed also meets the 20-foot setback requirement for neighboring lot lines, at 30 feet from the easterly lot line and 38 feet from the westerly lot line. However, because the lot is less than the 1-acre minimum lot size, Mr. Parrish is unable to build a shed within compliance of the bylaws and therefore requires a variance.

Mr. Parrish has already installed a buried power line to a driveway light. He hopes to tie in to this line in order to have an exterior and interior light in the proposed shed. It is not definite that he can accomplish this. However, the proposed shed lies underneath a power line that runs to a neighbor's property. Mr. Parrish chose a shed with a low roofline, and the power line over the proposed shed is approximately 25-30 feet high, making it 14 to 19 feet above the proposed shed. Mr. Parrish will contact Hardwick Electric about erecting the shed under the existing power line, without needing to re-position the line and cut more trees. He will also call Digsafe to make sure any work on power lines is done safely and within regulations. Phone lines also cross over the proposed shed. Mr. Parrish will contact

Consolidated Communications about removing one unused phone line above the proposed shed, and moving the other phone line up a few feet. The Development Review Board strongly urges Mr. Parrish to follow through with these utilities.

The hearing ended at 7:22 PM. The Board went into deliberative session at 7:24 PM and came back into public session to announce their decision at 7:29 PM.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.7 Shoreland Protection District

C) An Accessory Structure is a permitted use in the Shoreland Protection District.

E) Mr. Parrish's pre-existing, non-conforming lot is 240 feet deep and 82 feet wide. The 0.5-acre lot does not meet the Shoreland Protection District's minimum lot size of 1 acre. The 82-foot shoreline frontage and lot width measurement does not meet the Shoreland Protection District's minimum of 100 feet. The proposed shed does meet the minimum lot depth requirement of 200 feet for a structure in the Shoreland Protection District. The proposed shed would be set approximately 62 feet from the centerline of the road, and would be approximately 160 feet from Caspian Lake. The proposed shed also meets the 20-foot setback requirement for neighboring lot lines, at 30 feet from the easterly lot line and 38 feet from the westerly lot line. However, because the lot is less than the 1-acre minimum lot size, Mr. Parrish is unable to build a shed within compliance of the bylaws and therefore requires a variance.

5.5 Variances

A) Variance Criteria

1. *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.*

Due to the irregularity in shape and dimensions of the applicant's lot, the proposed shed cannot be erected elsewhere on the lot.

2. *Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.*

The variance is necessary to allow the applicant to build the shed as proposed. The existing lot is 0.5 acres and cannot be made bigger.

3. *The unnecessary hardship has not been created by the applicant.*

The existing lot cannot be made any bigger, and is a pre-existing, non-conforming lot.

4. *If authorized, the variance will not:*

a) *alter the character of the neighborhood or district*

The proposed shed will resemble other accessory structures in the district and will fit in with the character of the neighborhood.

b) *impair the use or development of adjacent property*

The proposed shed would be sited so as not to impair the use or development of adjacent property.

c) *reduce access to renewable energy resources*

The proposed shed will not reduce access to renewable energy resources.

d) *be detrimental to the public welfare*

The proposed shed will not be detrimental to the public welfare.

5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.*

The proposed shed meets this requirement.

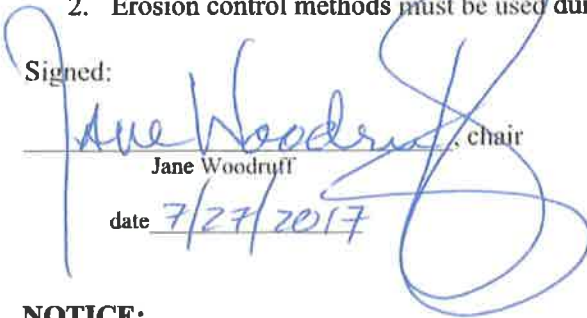
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the variance application.

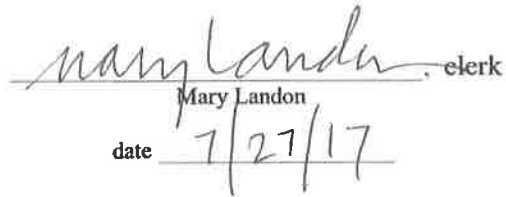
Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Erosion control methods must be used during construction.

Signed:



Jane Woodruff, chair
date 7/27/2017



Mary Landon, clerk
date 7/27/17

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.