

Variance Hearing  
Carol Fairbank  
May 25, 2023

*To consider a variance request by Carol Fairbank to place a sign on her property at 604 Cemetery Ridge.*

The application requires a review under the following sections of the Greensboro Zoning Bylaw: 2.8 Extended Village District and 5.5 Variances.

**Warnings** were posted on May 10, 2023, at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Earl Godrey; Richard and Kristine Ohlrogge; Greensboro Hospital Association; William Smith; Michael and Julie Porazzo; Donna Jenckes. It was published in the Hardwick Gazette on Wednesday, May 10, 2023. The hearing was conducted via electronic communication (ZOOM).

**Development Review Board members present:** Jane Woodruff; Nat Smith; MacNeil; BJ Gray; Tim Brennan; Joann LaCasse (alternate); Lise Armstrong (alternate); Brett Stanciu (ex officio).

**Development Review Board members absent:** Mike Metcalf; Wayne Young.

**Others present:** Carol Fairbank.

**Correspondence from interested persons:** None.

**During the course of the hearing the following exhibits were submitted:** None.

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:06 p.m. She noted the variance request is not for the proposed sign's size, which meets the size requirements. The request is for an encroachment on the road setback. The rationale for the request is to make the sign visible from the road. Ms. Woodruff 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 noted that a site visit was conducted on Saturday, May 20, 2023, at the applicant's property.

Ms. Fairbank said she requests permission to erect a post approximately 2" by 2". A wrought iron bracket on the post will hold the sign in place. The wooden sign will read Broadfork Farmstead. The permanent sign will be 2' by 2'. Small strips identifying seasonal products will be interchanged at the bottom. The majority of produce signs will be used only when the farm stand is open. If the sign was placed in compliance with the 50' setback, it would be completely obscured by the woods. Ms. Fairbank asked for a 25' variance.

Questioning from the Board confirmed that Ms. Fairbank's property does not have a suitable place to comply with the 50' setback. Discussion determined the interchangeable pieces might be attached with rings and carabiners. An additional bracket may be required if the wind blows the sign. The proposed sign would be similar to the name signs at the Barre and Winnimere camps.

Ms. Fairbank thanked the Board for attending a site visit on a Saturday. She expressed appreciation for the Board's time and consideration. The hearing ended at 7:18 p.m. The Board

entered deliberative session at 7:19 p.m. and came back into public session to announce their decision at 7:45 p.m.

### **Findings of Fact:**

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

The proposed placement of the applicant's sign requires a variance as it would not meet the 50' road setback. All of the following criteria must be met.

### **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.* A 2' by 2' sign would not be clearly visible from the road due to the topographical layout of the property. This would create an unnecessary hardship to the applicant's business.

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 these regulations and the authorization of a variance is necessary to enable the reasonable use of the property.* Conforming with the 50' would create an unreasonable requirement for the applicant to cut down her trees. To be visible from the road, a 50' setback would require a larger sign, which would create a less desirable variance request.

3. *The unnecessary hardship has not been created by the applicant.* The applicant purchased the property as it is.

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

- a) *alter the character of the neighborhood or district.* A sign in the proposed location will not alter the character of the area. No abutters voiced disagreement.
- b) *impair the use or development of adjacent property.* The adjacent property will not be adversely affected by this proposed sign.
- c) *reduce access to renewable energy resources.* This criteria is not applicable.
- d) *be detrimental to the public welfare.* Public welfare is not a concern in this application.

5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.* The applicant requested the minimum relief of 25' to place her reasonably sized sign at the woods line.

### **Decision:**

Based upon these findings, the Development Review Board determined that the standards for a variance were met. The Board voted unanimously (7-0) to approve the variance request to place a 2' by 2' sign with small appendages within the 50' setback from the center of the road. The

Board granted a variance request to place a sign at 25' from the center of the road at 604 Cemetery Ridge.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction begins.

Signed:

 , chair

Jane Woodruff

date May 30, 2023

 , clerk

Brett Ann Stanciu

date May 30, 2023

**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.

