

Variance Hearing
Jayne and William Collins
September 9, 2024

To consider a variance request by Jayne and William Collins to place a shed on their property at 828 Eligo Lake Road.

The application requires a review under the following sections of the Greensboro Zoning Bylaw: 2.7 Shoreland Protection District and 5.5 Variances.

Warnings were posted on Wednesday, August 14, 2024, 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 applicants and the following abutters and neighboring property owners: Tyler and Michelle Demers; Sarah Overfield and Macy Mullican; Maureen Roianov; Elaine Daniels. It was published in the Hardwick Gazette on Wednesday, August 14, 2024.

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, BJ Gray, Lise Armstrong, Mike Metcalf, Tim Brennan, Rob Brigham (alternate), Brett Stanciu (ex officio).

Development Review Board members absent: Galen Fisher (alternate).

Others present: William Collins, Jayne Collins (via Zoom), Christine Armstrong (via Zoom).

Correspondence from interested persons: None.

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

The hearing was conducted in person at the Greensboro Free Library and via electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7 p.m. She noted the Board has assembled to consider an application for an accessory structure that cannot meet the lake setback and will be considered under Variances 5.5. An amended mitigation plan has been submitted. She explained the quasi-judicial process and asked the clerk to swear in anyone who wishes to speak.

Mr. Collins explained his original application had proposed 200SF of mitigation at the end of the driveway. Upon further consideration, he and Ms. Collins realized winter plowing would damage any gardens in that area. The applicants now propose 250SF of mitigation between the proposed shed and the lake, adjacent to the driveway but out of the plow area. He explained the shed location is the least invasive location on the half-acre lot. No tree cutting or soil leveling will be required. The road and adjacent lot line setbacks are met. The lake setback will not be met at approximately 81' from the lake. Locating the shed further back from the lake would require tree removal and would intrude on the road setback.

Via Zoom, Ms. Collins noted Ms. Stanciu had provided a booklet of plants, trees, and shrubs that are appropriate to plant around the lake. The booklet is from the Vermont Lake Wise Program, Department of Environmental Conservation. Ms. Collins chose an initial list of partial shade and sun plants that would attract birds and other animals on the southern line along the Demers' property. She noted she would like to plant in islands with a walkway path. Using the booklet,

her mitigation plan contains a preliminary list. The Board confirmed that, if the permit was granted, the applicants would have two years to complete the mitigation plan. Mr. Collins added the base of the shed will be crushed stone, 10'x20'. Town and Country Sheds of Wolcott will set 8" blocks.

Questioning from the Board confirmed that no water will be added. A small solar panel for a light may be added. The applicants do not intend to hire a professional landscaper. They have worked before with Stuart Lapoint, who will again be their plant source.

Ms. Christine Armstrong was sworn in. She inquired if impervious ratios had been calculated for the lot and if slope was a factor. Ms. Stanciu replied that she had not requested the applicants to provide impervious calculations for the lot as the impervious surface was not proposed to increase. The location is level; slope is not a factor.

The applicants thanked the Board for considering their variance request. Mr. Collins repeated that the half-acre lot has 200' of shoreline, but the lot is too shallow to conform to all setbacks. Ms. Woodruff thanked the applicants. The hearing ended at 7:28 p.m. The Board entered into deliberative session at 7:29 p.m. and came back into public session to announce their decision at 8:08 p.m.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings: the location where the applicants propose to place a shed is the best possible siting of the accessory structure. Placing the shed closer to the road and further from the lake would require tree removal and cutting into the ground.

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 storage shed cannot be constructed on the property and conform to the lake setback. The half-acre lot is too narrow and small. This constraint was not created by the applicants.

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.* All setbacks cannot be met on this property due to the narrowness of the pre-existing nonconforming lot. A shed is a reasonable use of this property which has no outbuildings. The proposed location is the most reasonable location on this property; this location is the furthest from the lake without cutting trees. This location conforms to all other setbacks.

3. *The unnecessary hardship has not been created by the applicant.* The applicants did not create the narrowness of the lot.

4 *If authorized, the variance will not:*

a) *alter the character of the neighborhood or district* A shed in the proposed location will not alter the character of the area.

b) *impair the use or development of adjacent property* No adjacent properties will be adversely affected by this shed.

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 applicants propose to place the shed as far from the lake as possible without creating an impact of tree or soil disturbance.

Decision:

Based upon these findings, the Development Review Board determined that the standards for a variance were met and voted (7-0) to approve Bill and Jayne Collins' variance request to place a shed at 828 Eligo Lake Road, which meets all setbacks, except the lake setback of approximately 81'.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins, with the exception of the granted variance for the lake setback.
2. 250SF of mitigation shall be installed of native plantings (must include trees, duff, ground cover, and bushes). The mitigation shall wrap on the southern boundary and the lake side.

Signed:


_____, chair
Jane Woodruff

date September 12, 2024

_____, clerk


Brett Ann Stanciu

date

Sept 12, 2024

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.

