

Variance Hearing
Jay Caroli and the Town of Greensboro
July 30, 2014

To consider a variance and a possible conditional use/and/or waiver application by Jim Caroli, architect, and the Town of Greensboro for a secondary egress from the former Grange Building at 9 Craftsbury Rd.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.3 Greensboro Village District; 3.8 Nonconforming Structures; and 5.5 Variances.

Warnings were posted on July 14, 2014 at the Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's stores. They were sent to applicants, Jay Caroli and the Town of Greensboro; and to the following abutters: Greensboro United Church of Christ; James Cook; and Richard and Linda Ely. It was published in the Hardwick Gazette on Wednesday, July 16, 2014.

Development Review Board members present: Bud Harvey, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, and Wayne Young

Others present: Jay Caroli, architect, Valdine Hall, Ted Donlon, and Stephanie Herrick for the Town of Greensboro, applicants; Bridget Collier, June Cook from the Hardwick Gazette, Linda Ely, abutter, and Kristen Leahy, zoning administrator.

Correspondence from interested persons: email letter from Richard and Linda Ely

During the course of the hearing the following exhibits were submitted to the Development Review Board:

- #1 A printed 4 page email letter from Richard and Linda Ely stating their objections to the plan as presented. Also included was a draft Code review from Jay Caroli.
- #2 A letter from Eric Gilbertson from the Preservation Trust of Vermont stating that the additions meet the Standards and protect the historic character of the building.
- #3 A Historic Site and Structures Survey from the Vermont State Division for Historic Preservation stating that the building is part of the Greensboro Historic District.

These exhibits are available at the Greensboro Town Clerk's office.

Summary of Discussion

Ms. Woodruff began the hearing at 7:12 PM. She noted that the hearing was semi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. She then stated that this was the second hearing on the former Grange building. The first was held on May 21, 2014 and was denied because the application did not represent the minimum that would afford relief nor was it the least deviation possible from the regulations.

Ms. Woodruff then asked Mr. Caroli to explain the plan for the former Grange building. He said he began by looking at the Vermont Code that is relevant. It states that, as far as possible, there must be two means of egress from a building. A ramp for handicapped access will be added on the Northwest corner and the logical place for a fire exit, then, is at the back of the building, opposite, and as far away from the main exit as possible. He felt this plan offered the safest means of egress and still stayed within the historic bounds of the building. He looked at configuring the egress in different ways, but they had a greater impact on the setback from Church Lane and even taking an inch or two here and there would impact the historical nature of the building. They are asking for a variance to build a covered stair and the landings required to be able to put the building back into use.

Mr. Donlon then read from the letter written by Mr. Gilbertson, from the Vermont Preservation Trust (exhibit #2). They would like to have the windows remain unobstructed and not be removed in order to maintain the historic character of the building.

Ms. Hall then entered the survey from the Vermont Division of Historic Preservation (exhibit #3). It states that the building is part of Greensboro's historic district. It was built in 1875 as the Town Hall.

In 1912 the Grange bought it and it was moved to its present location. The lower floor and front vestibule were added at that time.

Ms. Woodruff then opened the floor for questions from the Board. Mr. Smith asked what the requirements of the Preservation Trust of Vermont were and what would happen if they were not done. Would they withdraw their funding? Mr. Caroli answered that they must meet the requirements of the secretary of the interior's standards for historic preservation. The back of the building would be the best place to put the fire escape and they must do it respectfully and that means, to him, that the proposed exit would not block the windows. Ms. Woodruff said that it seemed that the \$70,000 grant from the Preservation Trust was driving the proposal. Mr. Caroli answered that it was not the grant, but he felt the proposed plan was the minimum required to get relief and to respect the building. Ms. Hall stated that the definition of historic structures is on pg. 76 (D) of the by-law. She stated the committee is trying to preserve a historic part of Greensboro and that is important. Mr. Donlon added that the building has been here and in public use for a long time. The Town spent \$8,000 from the Town recreation committee funds to buy the building from the Caledonia Grange with the understanding that it would remain a public building.

Mr. Thomson stated that the stairs now cut into the porch and asked if there would be a closed wall or railing around the stair opening. Mr. Caroli answered that there would be a railing around the whole porch and also around the stair opening. The stairs take about 50 square feet of the 200 square foot porch which makes the porch now about 150 square feet. There is an area of refuge at the top of the steps for people who cannot navigate the stairs to wait for others to carry them down. He thought the area of refuge was a legal requirement and his guess was that its required size was 36 inches by 48 inches.

Mr. Young asked how people would access the stairs. Mr. Caroli said they would come out the doors, around the stair rails and down the stairs.

Mr. Thomson asked if they had considered keeping the doors in keeping with the character of the building but making them fire doors which would sound an alarm when opened. Mr. Caroli thought it would be worth considering. Ms. Hall thought that if it were hot and someone opened the doors for air the alarm would then bring the fire department. She also stated that five feet of the porch (furthest away from Church Lane) is in compliance.

Ms. Woodruff then asked Ms. Ely if she had anything to add. Ms. Ely began by saying that she and her husband have no issue with the renovation or use of the former Grange building as a public building. However, she said that based on the discussion so far, it seemed like the proposed plan seemed to be based on aesthetics. She felt that the aesthetics issue was created by the applicants and does not warrant a basis for a variance from the by-law. Aesthetics might, and should, be considered when renovating the building, but are not a reason for a waiver or variance. She also thought that double doors at the back were not required and the large landing that was proposed was causing most of the problems. She suggested an egress from one of the back windows to a landing with stairs that go away from the building. Finally, she stated that she felt the proposed plan was not the minimum required and it was being driven by aesthetics and not the requirements. (see exhibit #1) Mr. Caroli answered that he felt the plan was driven by life safety and historic preservation, not by aesthetics and if the abutters want the exit doors to be one door that could be done, but he felt it would not reduce the square footage of the landing required for the egress. Ms. Ely also stated that the large porch will be a social space with its attendant noise and the likelihood of debris being thrown off the porch into the wetlands. She reiterated that she felt the proposal failed to meet the minimum required and the least deviation possible. In addition, the noise level and litter will be a nuisance to the neighborhood. Mr. Caroli answered that the building has traditionally been used for public assembly and socializing. Ms. Collier added that people will go out the door on the ground floor and the windows will be open so the noise will be heard anyway. She also stated that Mr. Caroli knows the codes and is saying that it meets the minimum requirements for safety, the fact that it is done in a pretty way or that people may use it is irrelevant.

Ms. Hall summed up the proposal by saying the proposal was not based on aesthetics. The structure is a historical public building and the committee would like it to continue that use and maintain its historical character. The part of the porch that is in contention is actually permitted because it meets the setbacks. She doesn't think people will throw trash into the wetlands. It's preservation of our past, of our history. That is important.

The public portion of the hearing ended at 8:52 PM and the Board went into deliberative session. They came back into public session to announce their decision at 9:57 PM.

Findings:

The Board decided that circumstances required addressing this proposal as a variance although it was also warned as a possible waiver or conditional use proposal. The waiver provisions were denied in an earlier hearing (5-21-14) so they were not considered. A conditional use was not considered since the proposal did not comply with the requirements of a conditional use in the Village District pursuant to section 2.3 of the by-law.

2.3 Greensboro Village District

The former Grange building is a pre-existing, nonconforming structure. The lot is smaller than permitted and the building is located within the setback from the Right of Way of Church Lane.

5.5 Variances

The Board did not address numbers 1 – 4 because a variance may only be granted if all five criteria are met and the proposal did not meet number 5.

5. The variance, if authorized will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and town plan.

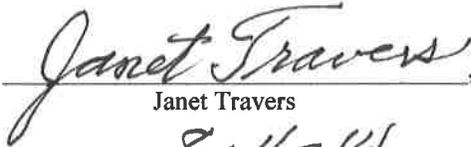
The Board recognizes the need for a second egress for safety purposes. However, it concludes that the proposal does not represent the minimum that will afford relief nor does it represent the least possible deviation from these regulations.

Decision and Conditions

Based upon these findings and the testimony given, the Development Review Board voted unanimously to deny the variance request for a covered porch and secondary egress from the former Grange building. The Board strongly agrees that a secondary exit is needed for safety reasons, but feels that the proposal, as presented, does not represent the minimum that will afford relief nor is it the least deviation possible from the by law.

Signed:


_____, vice chair
Nat Smith
date 8-4-14


_____, clerk
Janet Travers
date 8-4-14

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.