

Variance Hearing  
Nancy Murray  
November 13, 2017

*To consider a variance request by Nancy Murray to build an accessory structure on the property at 374 Shadow Lake Road.*

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Rural Lands District; and 5.5 Variances.

**Warnings** were posted on October 23, 2017 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 following abutters and neighboring property owners: Partridge Hills Farms LLC; Ruth E. Lawrence Revocable Trust; Heather Williams; Anthony Fisher for the Fisher Trust of Jonathon, Galen & Tim; and the Stoner Trust on October 23, 2017. It was published in the Hardwick Gazette on Wednesday, October 25, 2017.

**Development Review Board members present:** Linda Romans, Nat Smith, Jane Woodruff, Lee Wright, Wayne Young, Janet Travers (alternate) and BJ Gray (alternate)

**Development Review Board members absent:** Sean Thomson, MacNeil

**Others present:** Nancy Murray, applicant and Audrey DeProspero, Zoning Administrator

**Correspondence from interested persons:** none

### **Summary of Discussion**

Ms. Woodruff, chair, began the hearing at 7:04 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 Ms. Murray to explain what she wants to do on the property at 374 Shadow Lake Road. Ms. Murray stated that she would like to erect a shed near her house in which to store her tools. It would be 10 feet wide, 16 feet long, 9 feet high and sit on a gravel base. The shed would have a four foot door opening, no windows and a shingled roof. There would be no water, electricity, or insulation in the shed. The lot has 5+ acres. The shed would be located 150 feet from Whetstone Brook, over 100 feet from the left side line, 75 feet from the right side line, and 750 feet from Shadow Lake Road.

The hearing ended at 7:15. After another hearing, the Board went into deliberative session at 7:28 and came back into public session to announce their decision at 7:48.

### **Findings of Fact:**

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

#### **2. 5 Rural Lands District**

##### **C) Permitted uses**

An accessory structure is a permitted use in the Rural Lands District.

##### **E) Dimensional Standards**

The minimum lot size in this district is 10 acres. This pre-existing lot is 5+ acres, thus it does not meet this requirement.

The minimum lot width is 300 feet. This lot is 1300 feet wide along the Hinman Settler Road. It meets this requirement.

The minimum setback from the centerline of a public or private road is 50 feet. The proposed shed would be 750+ feet from Shadow Lake Road. It meets this requirement.

The minimum setback from any other lot line is 50 feet. The proposed shed would be 100+ feet from the left lot line, 75 feet from the right lot line, 800 feet from the back lot line, and 750 feet from Shadow Lake Road. It meets this requirement.

The minimum setback from a public water body is 50 feet. The proposed shed would be 150+ feet from Whetstone Brook. It meets this requirement.

The maximum height of structures is 35 feet. The height of the proposed shed is 9 feet. It meets this requirement.

## 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.*

The pre-existing acreage of the lot, being 5+ acres, does not meet the required 10 acres, there is no possibility an accessory structure can be erected on the lot in conformity with these regulations.

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.*

Because the lot size is non-conforming, there is no possibility the property can be developed in conformity with these regulations.

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

This non-conforming lot is pre-existing. This hardship was not created by the applicant.

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

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

The shed will not alter the character of the neighborhood.

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

Placement of the shed will not impair the use or development of the adjacent properties.

c) *reduce access to renewable energy resources*

This is not applicable to placing a shed on this property.

d) *be detrimental to the public welfare*

Placement of the shed on this property will not be detrimental to the public welfare.

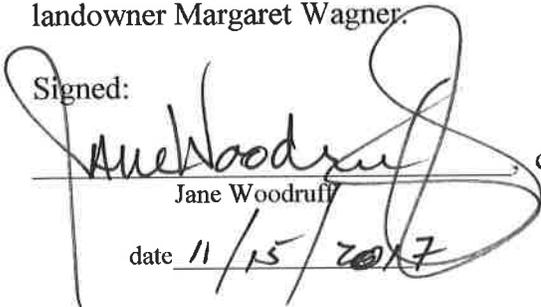
5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.*

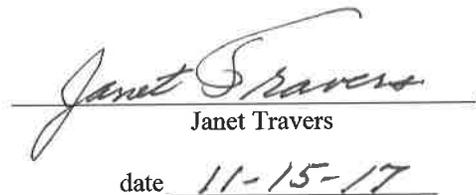
The shed meets all standards in the by-laws except the size of the lot. It is the minimum that will afford relief and the least deviation possible from the bylaws.

### Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the placement of a shed on the property at 374 Shadow Lake Road as requested by Nancy Murray and approved by landowner Margaret Wagner.

Signed:

  
Jane Woodruff  
chair  
date 11/15/2017

  
Janet Travers  
temporary clerk  
date 11-15-17

### 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.