

Variance/Waiver Hearing
Town of Greensboro
November 13, 2017

To consider a variance/waiver request by the Town of Greensboro to erect a sign within the 50 foot road setback at 82 Craftsbury Rd.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.3 Greensboro Village District; 5.5 Variances and 5.6 Waivers.

Warnings were posted 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: James & Andrew Cook; Ida Perron for the Theodore Perron Estate; Richard & Linda Ely; David & Margaret Altman; Luanne Murry Et Al; and the Lakeview Elementary School 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: Kim Greaves, town clerk, applicant; and Audrey DeProspero, Zoning Administrator

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:16 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. Greaves to explain what the Town wants to do on the property at 82 Craftsbury Rd. Ms. Greaves stated that she and her assistants in the Town Clerk's office get a number of calls from people who cannot find the Town offices. They decided a sign in front of the Town Hall would inform people where the Town offices are and thus are asking to erect a sign on the Town Hall lawn.

She said the design of the sign would fit the character of the Town. It would be white with black lettering and the same size and shape as the previously approved Willey Beach sign, which is 6 square feet. It would be double-sided and placed perpendicular to the road so it can be seen from both sides and be supported by two posts 5 or 6 feet high, 28 feet from the centerline of the road. She felt that placing the sign 50 feet from the centerline as the by-laws require, would make it difficult to see from the road.

The hearing ended at 7:26. 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:

2.3 Greensboro Village District

C) Permitted Uses

Signs up to 6 square feet are permitted in the Village District. The proposed sign will have an area of 6 square feet which would meet this requirement.

E) Dimensional Standards

The minimum lot size in the Village District is ½ acre. This lot is 1.8 acres. It meets this requirement.

The minimum lot width is 100 feet. It meets this requirement.

The minimum setback from the centerline of a public or private road is 50 feet. The proposed sign would be 28 feet from the centerline of Craftsbury Road. It does not meet this requirement.

The minimum setback from any lot line is 15 feet. The proposed sign would meet this requirement.

The minimum height of structures is 35 feet. The proposed 5 – 6 foot high sign meets this requirement.

5.5 Variances

The Board decided to use the variance criteria and not the waiver. It seemed to work better with this request.

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.*

Placing the sign 50 feet from the center of the road, would make it difficult to see from the road.

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.*

The sign was requested so people could easily find the Town offices. If it were located 50 feet from the centerline of the road, it would be difficult to see and not fit its purpose.

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

The hardship was not created by the applicant.

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

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

The design of the sign will not alter the character of the neighborhood.

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

It will not impair the use or development of adjacent property.

c) *reduce access to renewable energy resources*

This is not applicable.

d) *be detrimental to the public welfare*

It will not be detrimental to the public welfare.

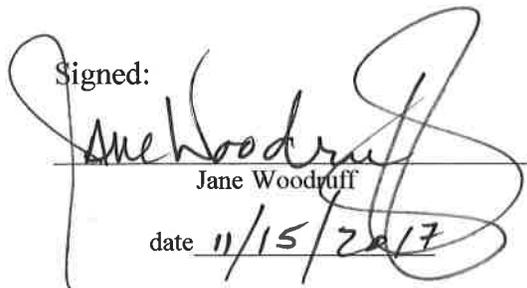
5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.*

Locating the sign 28 feet from the centerline of the road instead of the required 50 feet will enable people to see the sign and find the Town offices more easily. It is the least deviation possible.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the requested placement of a sign, no larger than 6 square feet in area and 28 feet from the center of the road on the property at 82 Craftsbury Road.

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.