

Variance Hearing  
Alan Bascom  
Thursday, August 24, 2017

*To consider a variance request by Alan Bascom to build a detached, seasonal-use, pre-fab one-car garage on his pre-existing, non-conforming lot at 42 Barre Boulevard.* The application requires a review under the following sections of the Greensboro Zoning By-Laws: 2.7 Shoreland Protection District, and 5.5 Variances.

**Warnings** were posted on August 9, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners on August 9, 2017: Charles Averill, trustee of Geraldine B. Averill Trust; Hostetler Family Trust; and Gregory and Mary McHugo. It was also published in the Hardwick Gazette on Wednesday, August 9, 2017.

**Development Review Board members present:** MacNeil, Linda Romans, Nat Smith (serving as Chair), Sean Thomson, Wayne Young, Lee Wright, BJ Gray (alternate), and Janet Travers (alternate).

**Development Review Board members absent:** Jane Woodruff (recused).

**Others present:** Alan Bascom, applicant; and Audrey DeProspero, Zoning Administrator; for others see the sign-in sheet.

### **Summary of Discussion**

Mr. Smith, vice-chair, began the hearing at 7:02 PM. He 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. Mr. Smith then asked Mr. Bascom to explain what he wants to do on his property at 42 Barre Boulevard.

Mr. Bascom would like to erect a pre-fab, single-bay garage, set on a gravel pad. The proposed garage would serve as off-season storage for boats and tools. The proposed garage would have dimensions of 24L x 14W x 10H and it would be placed on top of a short existing driveway. Additional driveway material would be added to the area for stability. The proposed structure would have a garage door at either end, and a personal access door and one window, with no electric power. Mr. Bascom hopes to drive into the garage from one end (with a boat trailer, for instance) and exit through the other end, eliminating the need for maneuvering in the small area. By setting the garage on the existing gravel surface between two rows of mature cedar trees, there would be minimal disturbance to the ground and surrounding trees. The proposed garage would not be visible from Lakeshore Road, nor would it be visible from the lake.

Mr. Bascom's pre-existing, non-conforming .51-acre lot is within the Shoreland Protection District and does not meet the minimum lot size requirement of one acre, as outlined in the by-laws. Mr. Bascom proposes setting the garage's west wall approximately 20 feet from the centerline of Barre Boulevard, which is a private ROW and not a Class 4 road. This setback does not meet the by-law requirement of 50 feet from the centerline of the road. To comply with the 50-foot setback would involve more extensive excavation and disturbance to the land and trees. The Board discussed placing the garage further than 20 feet from the centerline of Barre Boulevard, as it was noted at the site visit that this was an option. Mr. Bascom agreed that he would be able to place the western side of the garage at 25 feet from the centerline of Barre Blvd. The proposed garage location meets the minimum setback requirements for lot lines to the sides of the property, distance from the lake, overall lot depth, and height of the structure. In this case, the Board determined that it would not want Mr. Bascom to place the garage at the 50-foot setback that the by-law requires.

The hearing ended at 7:19. The Board went into deliberative session at 7:22 and came back into public session to announce their decision at 7:33 PM.

### **Findings of Fact:**

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

## 2.7 Shoreland Protection District

A garage is a permitted structure within the Shoreland Protection District. Mr. Bascom's pre-existing non-conforming lot is .51 of an acre, which does not meet the required minimum of one acre as required in the by-laws. The location of the proposed garage would meet the required sideline setback requirement of 20 feet; the lot meets the required minimum lot width and shoreline frontage of 100 feet; the proposed garage would meet the required minimum setback from the lakeshore of 150 feet; the lot meets the required minimum depth of 200 feet. The location of the proposed garage does not meet the required minimum setback of 50 feet from the centerline of a public or private road right-of-way.

## 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 proposed garage would be placed between two mature rows of trees, and its placement there would cause minimal disturbance to the area.

2. *Because of these physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.*

The location of the proposed garage cannot meet the requirements of the zoning by-laws because it is within a pre-existing, non-conforming lot.

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

The lot is pre-existing and non-conforming to current by-law standards.

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

- a) *alter the character of the neighborhood or district*
- b) *impair the use or development of adjacent property*
- c) *reduce access to renewable energy resources*
- d) *be detrimental to the public welfare*

The Board has determined that the garage will not affect these items.

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

The DRB allows a variance in this case because putting the garage at the required 50-foot setback (as outlined in the by-laws) will cause more disturbance to the land than if the garage is placed in an existing area of gravel that is 25 feet from the centerline of Barre Boulevard. The variance will afford relief and be the least deviation possible from the bylaws and town plan. If the Board required Mr. Bascom to comply with the 50-foot setback, this would place the garage on a pitched lot and in a wetter area, much closer to the lake. This would involve excavation and the removal of trees and stumps, which the Board wishes to avoid. The Board also allows a variance for Mr. Bascom to place a garage on a pre-existing, non-conforming lot that does not meet the minimum lot size of one acre, as required in the by-laws.

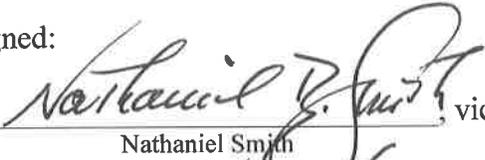
### Decision and Conditions:

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve a variance for the garage.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. The western edge of the garage will be placed at a minimum of 25 feet from the centerline of Barre Boulevard, while staying between the rows of existing trees, and on the existing gravel driveway.

Signed:

 vice-chair  
Nathaniel Smith

date 8/27/17

 clerk  
Mary Landon

date Aug 27, 2017

**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.