

Variance Hearing  
Tyler and Michelle Demers  
June 1, 2020

*To consider a request for a variance to build a house and garage on the property at 800 Eligo Lake Road.*

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

**Warnings** were posted on May 5, 2020 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 applicant and the following abutters and neighboring property owners: Susan and Wade Camp Smith, William and Jayne Collins, and John and Janice Guilmette on May 5<sup>th</sup>. It was published in the Hardwick Gazette on Wednesday, May 6, 2020.

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

**Development Review Board members absent:** none

**Others present:** Tyler and Michelle Demers, applicants; Brett Stanciu, incoming zoning administrator, and Linda Romans, interim zoning administrator

**Correspondence from interested persons:** none

The hearing was conducted by electronic communication (ZOOM).

### **Summary of Discussion**

Ms. Woodruff, chair, began the hearing at 7:05 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in those who wished to speak at the hearing. Ms. Woodruff then asked Mr. or Ms. Demers to explain what they want to do at 800 Eligo Lake Road. Mr. Demers began by stating the present house on the lot burned about 5 years ago. At the time, part of the house was saved and the other part was torn down. They'd like to tear down the remaining structure and build a new 56 ft. by 28 ft. house on the lot. The footprint of the house will be moved slightly to be less non-conforming than the original structure. It will be about 90 feet from the lake and 55 feet from the road. The proposed house will be under 2500 square feet and less than 30 feet high. The plan includes building an unattached garage which will be 50 feet from the road and about 100 ft. from the lake. They will plant native plants along the shore to prevent erosion as a mitigation measure.

The hearing ended at 7:27. The Board went into deliberative session at 7:28 came back into public session to announce their decision at 7:43.

### **Findings of Fact:**

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

#### **2.7 Shoreland Protection District**

The lot is 1.76 acres which exceeds the standard of 1 acre. It has 425 ft. lake frontage which exceeds the standard of 100 ft. Both the proposed house and garage conform to the standard of 50 ft. from the centerline of the road. The sideline setbacks of 221 ft. and 34 ft. respectively, exceed the standard of 20 ft. The lot is narrower than the minimum standard of 200 ft. and the house is less than the standard of 150 ft. from the lake.

#### **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 lot is well over 1 acre, but quite narrow because it is hemmed in by the road on one side and the lake on the other.**

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 the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.*

**The proposed house will be moved slightly from the previous non-conforming house footprint to be less non-conforming, but the narrowness of the lot prevents the house being built in strict conformance with the by-laws.**

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

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

- a) *alter the character of the neighborhood or district* **No**
- b) *impair the use or development of adjacent property* **No**
- c) *reduce access to renewable energy resources* **No**
- d) *be detrimental to the public welfare* **No**

5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.* **The proposed house replaces a pre-existing non-conforming house. The proposed house has been set further from the lake to conform to the bylaws as much as possible. Building a house and garage there is a reasonable use of the property.**

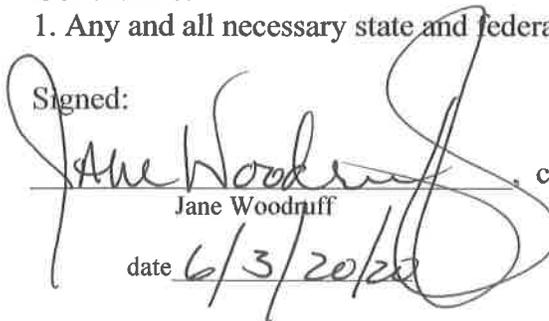
### Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application. (Alternates vote in the absence of Board members.)

Because of the narrowness of the lot, a house cannot be built in strict conformance with the bylaws. The proposed house has been moved slightly from the footprint of the previous non-conforming house to make it less non-conforming. Building a house and garage there is a reasonable use of the property.

### Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.

Signed:  chair  
Jane Woodruff  
date 6/3/2020

 clerk  
Janet Travers  
date 6-2-20

### 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.