

Town of Fair Haven
Zoning Board of Adjustment
Fair Haven Municipal Building
5 North Park Place
April 14, 2025 6:00pm

Present: Cindy Adams - Chair, John Lulek, RoseAnn VanLew - clerk, Patrick Frazier

Absent: Deb Laiacona, Jake Helm (alternate)

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Rich Greenough - applicant, Mary Patten - Interested Party

Agenda

1. Call to Order:

The meeting was called to order at 6:00 pm by Cindy Adams. She stated the Zoning Board of Adjustment was called together to consider the application for a Variance from Fair Haven Zoning Regulation Article III, Section 301.55, Table 2 - Residential Zoning District Side Yard 20' from the applicant Rich Greenough and JoAnn Dollar.

2. Roll:

Ms. Adams called the roll of the Board Members present and absent. She noted members of the town present and interested parties. **Present:** Cindy Adams - Chair, John Lulek, RoseAnn VanLew - clerk, Patrick Frazier **Absent:** Deb Laiacona, Jake Helm (alternate) **Others Present:** Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Rich Greenough - applicant, Mary Patten - Interested Party.

3. Conflict of Interest:

Ms. Adams asked the Zoning Board if there were any conflicts of interest that needed to be addressed before the meeting began. There were none.

4. Swearing-In:

Ms. Adams explained what an interested person is according to 24 V.S.A. § 4465(b) and that, pursuant to 24 V.S.A. § 4471(a), only an interested person who has participated in this proceeding may take an appeal of any decision issued in this proceeding. She then directed the applicant and all interested persons to stand and take the following oath: *I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth so help me God (or, under the pains and penalties of perjury).*

5. Reading of Notice:

Ms. Adams read the published notice for the hearing. "Town of Fair Haven Public Notice of Hearing Before the Zoning Board of Adjustment. A public hearing before the Town of Fair Haven Zoning Board of Adjustment will be held on the 14th day of April, 2025 at 6:00 p.m. at the Fair Haven Municipal Building, located at 5 North Park Place, Fair Haven, VT 05743, to consider an application for a Variance from Fair Haven Zoning Regulation Article III, Section

301.55, Table 2 - Residential Zoning District Side Yard 20', for a proposed new home of 27' x 56', with a proposed side yard distances of 15', up to 16'8". Applicant: Rich Greenough for: JoAnn Dollar 33 Academy Street Fair Haven, Vt 05743.

6. Discussion:

Ms. Adams asks ZA Adams how much variance is required. ZA Adams responded that the side yard setback is 20' required. On the east side, the new home will be 5' less than 20' and less than 3.5' less than 20'. Ms. Adams asked if both sides are set backs. ZA Adams stated that the old home was removed through a permit. The garage remained. A survey was completed and it was determined that the east line was further-in than previously realized. When the new home was wanted to be put in the concerns were found. Ms. Adams asked if there was a concrete pad for the home. ZA Adams directed the board to look at the sketch included with the application. The sketch illustrates the changes well. Mr. Greenough explained that some of the pad will be removed. Ms. Adams asked for clarification of the location of the new home. Mr. Greenough explained that the new home is shorter than the current pad.

Ms. Adams asked if ZA Adams had any other comments. ZA Adams stated that the old trailer was removed with a permit and they are also concerned about accessing the current garage.

Ms. Adams asked Mr. Greenough to elaborate as needed. Mr. Greenough stated the reason for the hearing is that the measurements were fine before the survey. The survey changed the angle of the property line and made the trailer pad out of set back regulations. Mr. Greenough stated he had spoken with the neighbors about the change and they told him that the old hedge line is the property boundary they will acknowledge. Mr. Lulek asked about the property line. Mr. Greenough stated the new home will be 15' set back in the north corner and 16.' setback in the south corner.

Ms. Adams called for more questions. There were none.

7. Application Review:

Ms. Adams read the comments from Mr. Greenough's application . "East line of property changed due to a new survey which put the property line closer to location of new home. Owner would like home to be parallel with street so as to look good with the neighborhood with the new boundary line this would lack 5' on back corner and 3'4" on front corner from the 20' min sideyard required by article 3 section 301 (Table 2)."

Ms. Adams then read the Request for Variance Criteria Responses.

- A. That 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 particular property, and that the unnecessary hardship is due to such conditions and not he circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located. "Yes, East line of property changed due to a new survey of the property. The new home is shorter by 2' which puts it further away than the old home was.
- B. That as a result of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. "No, this would not

change the location of home. The new home will be about 2' farther from the East property line."

- C. That such unnecessary hardship has not been created by the applicant. "No, to order a shorter home, it would need to be from a different series and would cost an additional \$12,000."
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare. "No, the new home will look very nice in this location and will not impair other properties. It will be 2' further away from where the old home was."
- E. That the variance, if authorized, will represent the minimum variance that will afford relief, and will represent the least modification possible of the Zoning regulations and of the Comprehensive plan. "Yes, the new home will be further away from the property line than the old home was. The home will be in a better footprint than the old home."
- F. Flood Area; NO

Ms. Adams asked, after having heard question and answers from the application, are there any other questions from the Zoning Board of Adjustment? There were none. Ms. Adams stated that the ZBA has accepted written and open hearing final comments.

8. Adjournment:

Ms. Adams **adjourned the meeting at 6:16 pm for deliberation.**

Respectfully Submitted,
Jennifer Jackson, Minute-taker