

Town of Fair Haven
Zoning Board of Adjustment
Fair Haven Municipal Building
5 North Park Place
November 17, 2025 7:00pm

Present: Rose Anne Van Lew - Chair, John Lulek, Paul Jardine - clerk, Patrick Frazier - vicechair, Jim Lynch (alternate)

Absent: Jake Helm (alternate)

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Kelsey Doran - applicant, Charlotte Jackson, Kennedy Doran, Shaw Doran

Agenda

1. Call to Order:

The meeting was called to order at 7:00 pm by Chair Person Van Lew. She then called the room to partake in the Pledge of Allegiance. Chair Person Van Lew asked for patience as she makes sure the proper order and format for a meeting are maintained. She welcomed all to the meeting.

2. Reading of the Posted Warning:

Ms Van Lew read the posted warning.

NOTICE OF PUBLIC HEARING - ZONING BOARD OF ADJUSTMENT - TOWN OF FAIR HAVEN, VT

Date and Time: Monday, November 17, 2025 at 7:00 pm

Location: Fair Haven Municipal Building, 5 North Park Place, Fair Haven, VT 05743

Purpose: Application for a variance of dimensional requirements within the residential district

Description: The Zoning Board of Adjustment shall conduct a hearing regarding an application filed to obtain a variance for a side setback on a 8' x 1' accessory structure situated on a 0.37 acre parcel located at 57 Lewis Lane, Fair Haven, VT Parcel ID 20-01-14, and formerly known as 8 Lewis Lane.

Copies of this application can be obtained from the Zoning Administrative Officer at the Fair Haven Municipal Building.

3. Reviewed the Order of Events

Ms Van Lew Read the order of events from the Planning Commission's Rules of Procedure and Conflict of Interest Policy - Section VI

- Following Roberts Rules of Order
- Review Conflicts of Interest and Ex Parte Communications
- Identify Interested Parties and take the Oath
- Information gathering from the application
- Questions from the ZBA
- Information gathering from the Interested Parties
- Questions
- Public Comment
- Final Questions and Comments

- Close the meeting for deliberative session

4. Conflict of Interest and Ex parte Communications

Ms. Van Lew read the definition of Conflict of Interest and Ex Parte Communications and asked the ZBA if there was any bias or conflict of interest that needed to be divulged before the hearing can begin. There were none.

5. Swearing-In:

Ms. Van Lew explained what an interested person passed over the definition of interested party as there was no other public present at the hearing. 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).*

6. Discussion and Application Review:

Ms. Van Lew asked Mrs. Doran if there was any new written information that she would like shared. Mrs. Doran stated that they measured the shed today and the dimensions were 16 feet in length and 8 feet in width. Mr. Jardine stated the notice had the largest dimensions that were available, but he had spoken with Mr. Doran about the size.

Ms. Van Lew asked Mrs. Doran to give her presentation, to which Ms. Doran asked what she should cover. Ms. Van Lew stated what was in the application to the ZBA. Mrs. Doran stated her family installed the shed without knowledge of violation. They installed the shed in October of 2024. The question of why their taxes had increased was the reason the violation was found. She stated the fence is cemented into the ground and would be very difficult and expensive to move. The reason they put the shed up was to keep their front yard tidy. She stated she did have a letter of support from one of her neighbors, the neighbor on the opposite side of her house from the shed. The neighbor on the shed side hasn't complained in any way to her family. Ms. Van Lew stated that the same notice of hearing was sent to all the adjoining property owners so they could have come to the meeting if there was an issue.

Ms. Van Lew called for questions from the Zoning Board. Mr. Jardine asked the zoning location of the property. ZA Adams stated the home was within the commercial district. Mr. Jardine asked for the regulation that the Doran's should be following for their accessory structures. ZA Adams stated it is an accessory structure in a commercial zoning district. Mr. Jardine stated it would be permitted if it had the proper setbacks to start with. ZA agreed. The diagram of the yard and the shed was viewed. ZA Adams stated the accessory structure had allowance in the rear yard. He stated from Table 2: Dimensional Requirements; the shed needs to have 40ft setback in the front, 20ft set back on the sides and 30 ft set back in the rear; and 80% building coverage is allowed. He gave the definition of the rear set back; Rear Setback: The distance between a building or structure and a rear lot line. And the definition of the Principal Building: A building in which the main, primary, or principal use of the property is conducted. Attached garages, sheds, covered porches, or carports open at the sides but roofed, are part of the principal building. Mr. Jardine asked if accessory buildings can be placed in other areas, ZA Adams stated yes, but the short set back is only in the rear. Mr. Jardine

summarized that because this structure isn't in the rear of the property then it is looked at as a principle building. That the rear set back is well within the allowances as well as the front set back. The variance is needed for the side set back. ZA Adams stated that is what is requested. Mrs. Van Lew stated the set back should have been 20 feet not the 10 that it is utilizing. ZA Adams submitted the application for zoning and the denial. The location of the shed does not meet side yard requirements.

Mr. Jardine stated he had no more questions, but did want to go over the request for variance questions from the Zoning Board of Adjustment application. Mr. Lynch asked where the standards were from. ZA Adams stated the standards are just for the town. He stated that historically there had been many variance requests because the regulations were too hard to meet leaving only the center of the backyard as an allowable location for accessory structures. ZA Adams stated he asked the Planning Commission to change the zoning regulations to allow accessory structures to have more allowance. He also asked for lot coverage to change from 15% allowed to 30% coverage allowed in residential zoning districts, as this coverage regulation was also difficult to meet.

Mr. Frazier asked if Mr. Doran knew that their home was located in a commercial zoning district. Mrs. Doran stated it was a surprise to her so probably not. Mr. Jardine noted that the application states the address is 8 Lewis Lane and the E-911 address has the home located at 57 Lewis Lane. Mrs. Doran stated they just received the new address this summer and were still trying to get everything switched over. Mr. Lynch asked if there was an idea of the cost of moving the shed. Mrs. Doran stated delivery of the shed was a nightmare. 5.5 hours to take the shed off the truck. They moved the shed into place with a tractor. There are many lawn items that would need to be moved if the shed were required to be moved again. She stated she and her husband could not move the shed themselves.

Mr. Jardine then read the Request for Variance Criteria Responses and allowed Mrs. Doran to respond.

- 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 the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located. "Yes. Fenced-in back lawn. We would need to remove fencing and post (cemented) to get the shed to a new position."

Mr. Jardine asked for clarification on the type of lot they have if it might be nonconforming. ZA Adams stated it may be a rounded figure, but wasn't a small lot. It was determined that the square feet of the 0.37 acre lot was 16, 117.2 ft². Mrs. Doran stated that her house was connected to municipal water, but not to municipal sewer. Mr. Lynch asked if they have a leech feild. Mrs. Doran stated they have a septic tank in the backyard and they also have the old tank still in the back yard. ZA Adams, after checking the tables for accuracy, stated that a small lot in a commercial zoning area would be classified as such if it were 6,500 ft² or less. Mrs. Doran stated there is a fence, a swingset, and a woodpile that would need to be moved before the shed could be moved to a new location.

- 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. “ Yes. Due to placement of the house within the property boundaries and the size of the shed, there are no other placement locations.”

Mr. Lynch stated there are obstructions in yard. Mrs. Doran stated that moving the shed would reduce the functionality of the shed for their family. The septic fields were mentioned again, and Mr. Jardine asked if a shipper moving over the field would cause damage to their septic field? He stated that placement in conformity to the regulations would risk damage to the sewer system on the property.

ZA Adams stated there is a previous application that had a barn installed on Scotch Hill that required the barn to be moved due to zoning regulations and placed over a septic field. The property sold, the septic field failed and the thinking was there was the failure because of the damage to the septic field due to the placement of the barn structure.

- C. That such unnecessary hardship has not been created by the applicant. “The hardship caused by zoning (back lawn doesn’t start until back wall of porch) and fencing issue. This requires the shed to be moved all the way to the back of the property, creating issue.”

Mrs. Doran stated that if the lawn started at the back of the house this would be an easy problem to solve. Mr. Jardine asked if the septic existed prior to their ownership. which was affirmed. Mr. Frazier asked if their house was able to be connected to the municipal sewer? Mrs. Doran stated that one house on their lane was connected to municipal sewer, it was a newer house in the area. Mr. Jardine asked when the fence was installed and if it was prior to ownership. Mrs. Doran stated that they put up the fence, although they didn’t know the posts were cemented into the ground.

- 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. “The shed allows for our lawn equipment to be stored neatly and away enhancing neighborhood curb appeal and reducing clutter”

Mr. Jardine asked if there were any other sheds in the neighborhood? Mrs. Doran affirmed there were, but behind people's homes. Mr. Jardine stated that the neighborhood consisted of single family homes with accessory structures with approved variances.

- 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 this will represent the minimum variance of the regulations allowing shed to stray 10 feet from property line.”

Mr. Lynch stated the question was asking if the variance would be the minimum change to the rules. Mr. Jardine clarified that the applicant was asking for a chane to the side set back only.

- F. Flood Area; NO

Ms. Van Lew asked if the applicant had any questions, Mrs. Doran had no questions, but thanked the ZBA for their time and consideration of the application. Mr. Jardine asked if Mrs. Doran agreed with all the statements they made. She affirmed so.

Ms. Van Lew stated that the ZBA has accepted written and open hearing final comments and stated she was open to a motion for adjournment.

7. **Adjournment:**

Mr. Jardine at 7:41 pm **motioned to close the proceedings on the 57 Lewis Lane application for deliberation.** The motion was seconded by Mr. Lynch. All were in favor and the motion passed.

Respectfully Submitted,
Jennifer Jackson, Minute-taker