

**Town of Fair Haven**  
**Zoning Board of Adjustment**  
Fair Haven Municipal Building  
5 North Park Place  
November 3, 2025 7:00pm

**Present:** Rose Ann Van Lew - Chair, Patrick Frazier - Vice-chair, Paul Jardine - clerk, Deb Laiacona, Jim Lynch (alternate)

**Absent:** John Lulek, Jake Helm (alternate)

**Others Present:** Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Sherry Jones - applicant, Amber Williams - Applicant

**Agenda**

**1. Call to Order:**

The meeting was called to order at 7:03 pm by Rose Ann Van Lew. She stated the Zoning Board of Adjustment was called together to consider the application for a Variance from Fair Haven Zoning Regulation Article III Table of Uses Section 301 Table 2 Dimensional Requirements in the Residential District from the applicants Sherry Jones and Amber Williams. She then called the room to partake in the Pledge of Allegiance.

**2. Reading of the Posted Warning:**

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

*Date and Time: Monday, November 3, 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 for an application filed to replace a current home of 44' x 27' to a larger home of 68' x 28', with two porches, requiring a variance of the front, rear and side setbacks. The property is a 0.21 acre parcel located at 55 Academy Street, Parcel ID 26-01-20.12.*

*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 VanLew 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 called for any new written information. There was none to be given. She then called for the applicant to explain why they applied for a variance. Ms. Williams stated that they would like to replace their current home of 44ft x 27ft to a larger home of 28ft x 68ft to accommodate their needs. They realise the restrictions and are asking for the bare minimum allowance that they can find. They are also asking to be able to add porches to the new modular home to allow them to access the building. The new home would be laid out differently than their current home, they would recycle their current front porch, of 6ft x 8ft, and move it to the western end of the home. They would like to construct a new porch on the eastern side of the home with dimensions of 6ft x 20ft. They chose these dimensions because a 4ft porch is just too narrow to accommodate their needs. She then went on to explain the drawing of the new home and layout that accompanied the application.

Ms. Van Lew asked members of the board for questions for the applicant. Mrs. Laiacona stated the sketch was very complete and helped her to visualize the construction. She then asked if the neighbors had been consulted. Ms. Williams affirmed they had, Ms. Jones stated that one neighbor is her sister and the other neighbor stated he had no problem with the larger sized modular home.

Mr. Jardine asked for some administrative notes or corrections to the application. He stated that he noticed the math was incorrect for the proposed new home square footage; stating that the section in the application dealing with "Square Footage of Proposed Additional Ground-Level Area: would instead be 1904 ft<sup>2</sup> for the new home with the given dimensions. Mr. Lynch stated it would be a 60% increase in square footage from the current home. ZA Adams stated he gave the Chair the corrected calculations. The Total additional ground level area square footage would end up being: new home: 1904ft<sup>2</sup> + new decks (combined with no roof): 168 ft<sup>2</sup> = 2072 ft<sup>2</sup>. Mr. Jardine also stated that he noticed in the lot size total square footage the town had rounded down on their calculations and if you took the dimensions of the lot to calculate the total square footage the lot size is larger. The total lot size would calculate out to be 125 ft x 75 ft = 9375 ft<sup>2</sup>. ZA Adams stated the town tax map has the lot at 0.21 acres and they calculated the square footage from acreage conversion. Mr. Jardine stated either way the

new home is still within the 30% building coverage of the lot. Mr. Lynch stated they gain about 300 ft<sup>2</sup> of lot size with the dimensional calculations.

Mr. Jardine then asked about the "Request for Variance Criteria Responses". ZA Adams suggests the ZBA go through those questions and allow the applicant to verbally answer.

Mr. Jardine then read the Request for Variance Criteria Responses and allowed MS. Williams 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. Our existing small lot size is 125ft x 75 ft. We are unable to find a replacement home that would meet the setback requirements and accommodate our needs as a family."

Mr. Jardine asked for clarification on the type of lot they have. ZA Adams stated it is an existing "small lot". It was historically subdivided to be that size before there were regulations on the lot size. It is NOT a non-conforming lot. State Law has since changed the allowance for single family homes with municipal water and sewer lot size. All the lots in their area are smaller than typical lot sizes in Fair Haven. Mrs. Laiacona stated that because of that reason they could affirm the question posed. Mr. Jardine read the Fair Haven Zoning Regulations definition of a "small lot" - *Section 911 - Existing Small Lots Any lot that is legally subdivided and is in individual and separate and non-affiliated ownership from surrounding properties, and is in existence on the effective date of the regulations, may be developed for the purpose permitted in the district in which it is located, even though not conforming to minimum lot size requirements of the new bylaw.*

- 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. We could not find a home that would meet the setback requirements as well as accommodate the needs of a bigger home for our family."
- C. That such unnecessary hardship has not been created by the applicant. "No. We did not contribute to the unnecessary hardship in any way or create it. We have had this smaller lot size since moving in back in 2017."
- 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 replacement home will not alter or negatively affect the essential character of the neighborhood. The replacement home will not be a detriment to our neighbors. And the new porches will be of a normal size in proportion with the home size. A new home will be a positive addition to the neighborhood, An improvement. "

Mr. Jardine clarified that they are replacing the current modular home with a new modular home. They affirmed.

- 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. Variances are at minimum of what we were able to get. Only a couple feet in difference

(1.5 feet on both ends) of required setbacks. Porches will be of regular feasible size and at bare minimum e met as close as we could to required setbacks.”

F. Flood Area; NO

ZA Adams stated that the property would not affect any renewable energy structures, the new modular home, if anything, would be more energy efficient as it has to meet new standards. Although there is a solar farm near their property the addition of this new home won't interfere with the energy generation.

Ms. Van Lew asked if there are any other questions from the Zoning Board of Adjustment?

Mr. Frazier asked about lighting on the porches. Ms. Williams stated that they won't be adding any lights that aren't already installed on the home with construction and purchase.

Mrs. Lainyaona asked about the deadline with the lender that was mentioned in the original application. ZA Adams stated they had had a change in circumstances which the applicants explained to him, he advised them to go through with their application anyways. He stated the seller changed the cost of the home from the original price which then made it so the applicant could no longer purchase the original home they chose. They will still install a new home when they can find one that is within their price range.

Ms. Van Lew asked if the applicants had any questions, to which they had none.

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. Lynch **motioned to adjourned the meeting at 7:37 pm for deliberation.** Mr. Frazier seconded the motion. No discussion, all were in favor and the motion passed.

Respectfully Submitted,  
Jennifer Jackson, Minute-taker