

Town of Fair Haven
Zoning Board of Adjustment
Fair Haven Municipal Building
5 North Park Place
December 15, 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: Charles "Chip" Taylor - Appellant

Agenda

1. Call to Order:

The meeting was called to order at 7:03 pm by Chair Person Van Lew. She then called the room to partake in the Pledge of Allegiance. 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, December 15, 2025 at 7:00 pm

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

Purpose: Application for a variance

Description: The Zoning Board of Adjustment shall conduct a hearing regarding an application filed to obtain a variance of rear yard and side yard setback requirements for development on a none conforming structure located at 17 Furnace Street , Fair Haven, VT Parcel ID 21-53-39

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. Mr. Jardine noted that he communicated with the appellant today regarding his knowledge of the meeting today. He communicated through text messages.

5. Swearing-In:

Ms. Van Lew asked Mr. Jardine to read the definition on what an “interested person” is per 24 VSA § 4465 (b). Ms. Van Lew explained that only an interested person who had participated in the proceedings may take an appeal of any decision issued in the processing. She stated that because there were no other interested parties besides the applicant she would skip over any sections pertaining to that, as long as she had general consensus from the ZBA. 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 Mr. Jardine to summarize the proposed development application, the denial report and the application to the ZBA.

– The Zoning Application Summary in the applicants words:

1. Construct an 8’ x 20’ deck on the east side of the dwelling (carriage house). The deck will be at the ground level.
2. NW side development: Replace existing 4’ x 3’ porch and replace existing roof over porch with a new 4’ x 4’ roof. The roof will be constructed with support posts into the ground.
3. SW side development: Replace existing 4’ x 3’ porch and construct a new 4’ x 4’ roof over the porch. The roof will be constructed with support posts into the ground.

– The Denial Report Summary:

Mr. Jardine summarized the Zoning Administrative Officer denial. The dwelling is in the residential zoning district and is considered a non-conforming structure because it does not meet the minimum side yard (20 feet) and rear yard (30 feet) distance requirements of the Fair Haven Zoning Regulations, Article III, Section 301, Table 2 – Dimensional Requirements.

Additionally, Fair Haven Zoning Regulations, Article VI – Nonconformities, Section 602 – Non-conforming Structures, 1., states in part that, “No building which does not conform to the requirements of this ordinance regarding an enlargement of a non-conforming building must meet the requirements of this ordinance regarding the forgoing building and lot requirements applying to the district in which it is located.”

Lastly, the proposed roof addition support posts at the southwest entry door, at 10 feet from the side property line, are 10 feet less than the 20 feet minimum side yard distance required by Table 2 – Dimensional Requirements.

The proposed roof addition support posts at the northwest entry door, at 10 feet, 8 inches from the side property line, are 9 feet, 4 inches less than the 20 feet minimum side yard distance required by Table 2 – Dimensional Requirements. The proposed roof addition support posts at the northwest entry door, at 29 feet, 3 inches are 9 inches less than the 30 feet rear yard setback requirements. The proposed 8' x 20' deck on the east side of the building, at 2 feet from the rear property line, is 28 feet less than the 30 feet minimum rear yard distance required by Table 2 – Dimensional Requirements.

Mr. Jardine stated he has a few questions and would like to ask them if it was ok with the ZBA. They agreed. Mr. Jardine summarized three things needing a variance with the application; An overhang over one entrance that enters the building facing the west. Another door right next to it. Mr. Taylor explained that the two kitchens abut each other on that side. The doors are 10 feet apart, but one for each unit. Mr. Jardine stated so this is a multifamily dwelling with 2 units. 2 Doors that face the west in close proximity to the western line. Do they have overhangs already? Mr. Taylor explained in his investigations with Mr. Adams, two decks were erected without permits to start with, the buildings already had two decks with steps going down, one clearly had an overhang the other did not. The one with an overhang lost the roof at some point. Mr. Jardine asked if either had a roof currently. Mr. Taylor stated they do not. Mr. Jardine asked if each door has a landing porch about 3' x4' currently. Mr. Taylor agreed. Mr. Jardine clarified that Mr. Taylor would like to have a roof overhang over both these west facing doors about 4' x 4' when measured from the posts that hold it up. Mr. Taylor affirmed.

Mr. Jardine stated on the Northwest side, the one closest to Furnace street, the proposed development is 10' 8" from the side lot boundary, the minimum is 20' and the reason it needs a variance. However the side of the house is 14' from the side lot boundary, meaning it doesn't even meet the requirement. This is why it is considered a nonconforming structure. Mr. Taylor agreed, and stated they built the house in the back corner to get as much yard out of the lot as they could. Mr. Jardine redirected to setbacks to the rear of the house, the northwest porch is 29'4", 9" less than the 30' rear yard setback requirement. The southwest side a 4'x4' roof is on the application where a 4' x 3' porch is currently. Mr. Jardine asked if the porches will be replaced as well with the same dimensions. Mr. Taylor stated yes they would be the same, but supports were being added that go to the roof.

Mr. Jardine stated the third variance needed is on the east side of the property with the Carriage House there is an existing deck on the second floor which is 8' x 10'. Mr. Taylor affirms. Mr. Jardine states that they would like to replace the deck with an 8' x 20' deck. Mr. Taylor negates the idea stating; he would like to put the deck underneath for the main level. He goes on to explain, it was one family in the home before with one driveway, when he converted to multifamily he put a new driveway in to separate the living space, he would like to put the deck on the place the entrance to the carriage house off the deck right from the permitted new driveway. Mr. Jardine asked for clarification on the top deck and if it will stay. Mr. Taylor affirms. Mr. Jardine stated the proposed deck, flush with the back of the house, is 2' from the rear yard set back and 28 feet less than the 30' requirement.

There were no other questions from the ZBA. Ms. Van Lew asked about the east deck, top expansion. Mr. Taylor stated no the top was going to be the same. Ms. Van Lew asked if

the deck was going to have a roof on the bottom. Mr. Taylor stated no, not as this application is written.

Mr. Jardine then read the Request for Variance Criteria Responses and the written responses from Mr. Taylor.

- 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. The unique physical circumstances are that the house structure was originally placed as far west and north as possible to take maximum advantage of the property. Therefore the fact that the main house and the carriage house are placed feet away from the property line, the proposed deck below the existing would be non conforming, as well as the small stairways coming from the back deck with coverings of each unit kitchen doors."

Mr. Jardine summarized there are unique physical circumstances or conditions peculiar to this particular property. The Structure is an irregular shaped multifamily two unit dwelling that was constructed 2 feet from the rear property line and 14 feet front the western property line on the west making this a non-conforming structure.

- 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, there is no physical way that the property could be developed with the current request without a variance."

Mr. Jardine summarized with There is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations. The structure is an irregular shaped multi-family two unit dwelling that was constructed 2 feet from the rear property line and 14 feet from the western property line on the west making this a non-conforming structure.

- C. That such unnecessary hardship has not been created by the applicant. "No, the current owner received the house from bank foreclosure in its current state."

Mr Jardine summarized with, the hardship was not created by the appellant. Hardship was created when the house was constructed.

- 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 request wouldn't change the essential character of the neighborhood as the stairways are already existing as was one of the two roof structures over those stairs. The proposed yet existing stairways and not existing roofs would be 10 feet from the neighbor residing at 19 Furnace St. The back property line is 29 feet from the proposed structure. The proposed deck would be 2 feet from the back property line with my neighbors residing at 26 and 28 on Second Street. The deck will end at the corner of the house on both sides. The deck would be 79 feet to the property line from the neighbor residing at 13 Furnace St."

Mr. Jardine stated the multifamily dwelling has a deck with two porches that do not change the character of the neighborhood.

- 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 back

deck will run along existing house lines; the stairs from the kitchen doors are only being modified to be able to support the roofs placed over the stairs.”

Mr Jardine summarized the variance, if authorized, will not alter the character of the neighborhood or district in which the property is located. The proposed development is a minor change to existing development.

F. Flood Area; NO

Ms. Van Lew asked if the applicant had any questions or comments, Mr. Taylor had no questions, but thanked the ZBA for their time and consideration of the application.

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. Lulek at 7:29 pm **motioned to close the proceedings on the 17 Furnace Street application for deliberation.** The motion was seconded by Mr. Jardine. All were in favor and the motion passed.

Respectfully Submitted,
Jennifer Jackson, Minute-taker