



**TOWN OF CONCORD  
PLANNING/ZONING BOARD**

**APPLICATION FOR VARIANCE FINDINGS AND DECISION**

RE: Steven Bean  
47A Getaway Lane  
North Concord, VT 05858

Permit Application No. 018-004

**INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding involves review of a variance application submitted by Steven Bean to add a garage and storage shed on his property on Getaway Lane in Concord, VT. Mr. Bean is seeking a variance to the minimum setback distance from his property line under the Town of Concord Zoning Bylaw.

A permit application was received by Alan Smith on February 1, 2018. A copy of this permit application is available at the Zoning Administrator's office in the Concord Municipal Building.

On March 5, 2018, notice of public hearing was published in The Caledonian-Record.

On February 15, 2018 notice of public hearing was posted at the following places:

- The Concord Municipal Building
- On a stake on the property, on Camper's Lane
- The Town Clerk's Office
- The Concord Post Office

On February 16, 2018 the notice was also posted on the Concord web site at [www.concordvt.us](http://www.concordvt.us). On February 17, 2018, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to application.

- Ronald Barrett, P.O. Box 1154, Lyndonville, VT 05851-1154
- Larry Brown, P.O. Box 27, Granby, VT 05840
- Scott Cromack, 336 Camper's Lane, North Concord, VT 05858-4404
- Clifford Cutting, 16 Old Springfield Road, Stafford Springs, CT 06076
- Joyce O'Donnell, 6 Overlook Circle, Westford, MA 01886

On March 15, 2018, it was discovered that the mailing sent to Ronald Barrett was returned without being delivered due to an incorrect mailing address. After consulting with the VT League of Cities and Towns, Mr. Barrett was contacted and informed about the hearing. He indicated that he had no problem with the hearing proceeding as planned. Board Chair Cynthia Stuart then contacted Mr. Bean to tell him about the issue. Mr. Bean agreed to go ahead with the hearing.

The application was considered by the Planning/Zoning board at a public hearing on March 20, 2018. Present at the hearing were the following members of the Zoning Board of Adjustment: Cynthia Stuart, John Christman, James Gochie, Linda Hartwell & Judy Kurtz.

The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaws, as amended December 6, 2016.

At the outset of the hearing, Chairperson Stuart requested that all board members disclose all potential conflicts of interest. No board members indicated any potential conflicts. The Zoning Board of Adjustment also afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465 (b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person and a record of their participation at the hearing is attached hereto.

Cynthia swore in Steven Bean. Mr. Bean stated that he has an existing shed that he would like to tear down and put up a new one that will be 20 feet x 40 feet. He would also like to build a 2-story garage that will be 28 feet x 40 feet. The board and citizens present looked at the plans as Mr. Bean explained them. Cynthia swore in Theresa Cromack, an abutter to Mr. Bean. She asked about vehicle traffic and drainage. Mr. Bean stated that the vehicle traffic would not change and that he has filled out a shoreland protection application with the State of VT. Ms. Cromack also asked about stumpage and Mr. Bean said that there would be very little removed and indicated where that would be on the property. He said he needs to put some stone drainage on each side of the garage and will plant a row of trees beside the garage.

The hearing was adjourned at 6:11 p.m. on March 20, 2018 and the board went into deliberative session at 6:46 p.m. The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaw, as amended December 6, 2016.

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

During the course of the hearing no exhibits were submitted to the Planning/Zoning Board.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance to the minimum setback distance from his property line under the Town of Concord Zoning Bylaw. The subject property is a non-conforming property, less than the required distance from the property line, on Getaway Lane in the Town of North Concord tax map parcel i.d. no. 00149. The property is more fully described in a Quit Claim Deed from Judith A. Bean to Steven R. Bean dated March 14, 1983 and recorded at Book 46, page 289, of the Town of Concord Land Records.
2. The property is located in the Lake Shore District as described on the Town of Concord Zoning Map on record at the Town of Concord Municipal Office and section 205 of the Zoning Bylaws.
3. The following variance is sought by the applicant: to tear down an existing shed and replace it with a new one that will be 20 feet x 40 feet as well as building a 2-story garage that will be 28 feet by 40 feet. The variance requested requires review under the following sections of the Zoning Bylaws:

Section 609.1 of the Town of Concord Zoning Bylaws states The Zoning Board of Adjustment shall hear and decide requests for variances in accordance with Section 4469(a) of the Act and appeal procedures under Section 608 of this bylaw. In granting a variance, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Zoning Board of Adjustment may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

4. The following unique physical circumstances or conditions peculiar to the subject property are found: the placement of the current structure and septic system does not allow the owner to build the garage away from the boundary line. The owner is forced to build closer to the boundary line.
5. 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 Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.
6. Unnecessary hardship has not been created by the applicant.
7. Getaway Lane is a dead-end road that consists mostly of small, closely positioned camps. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. There are several other small lots on the road that are not in compliance with Zoning Bylaws.

8. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Bylaws.

### **DECISION AND CONDITIONS**

Based upon these findings, and subject to the condition set forth below, the Concord Zoning Board of Adjustment approves the following variance with the following condition.

Conditions:

The applicant must receive approval on his Shoreland Protection Application from the State of VT.

Dated at Concord, Vermont, this 2<sup>nd</sup> day of April 2018.

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Cynthia Stuart, Chair

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John Christman

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James Gochie

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Linda Hartwell

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Judy Kurtz

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings(s) before the Concord Zoning Board of Adjustment. Such appeal must be taken 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.