



TOWN OF BOLTON
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Approved Meeting Minutes
May 27, 2021
Virtual Meeting (online)

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Present:

Members: All via remote – Steve Diglio, Adam Beaudry, Rob Ricketson, John Devine, Adam Miller & Spencer Nowak (DRB alternate)

Staff: All via remote –Jonathan Ignatowski (Planning and Zoning Administrator and DRB Clerk)

Public: Kyle Guyette

Posted Agenda:

6:30 PM **Introductions, adjustments to Agenda & Public Comment**

6:35 PM **Warned Public Hearings:**

(Continued from 2.25.21) Application 2021-08-DRB; Conditional Use Review Applicant & Owner: Richard J. Weston. Request Conditional Use approval to build 1,844 sq. ft. single family dwelling at 1811 Happy Hollow Rd. The property is located in the Forest Zoning District. (Tax Map # 12-4101901).

Application 2021-24-DRB: Applicant: Kyle and Amanda Guyette, Property Owner: (same) – Appealing Zoning Administrator’s denial of application #2021-23-ZP to build a 30’ x 30’ garage at 175 Champ Ln. Applicants are requesting a setback waiver to reduce 35 ft. minimum setbacks for north and east property lines. The property is located in the Rural I District. (Tax Map #15A-4060175).

Application 2021-25-DRB: Applicant: Kyle and Amanda Guyette, Property Owner: (same) – Request a Variance Hearing to build a 30’ x 30’ garage 17’ away from eastern property line. The property is located in the Rural I District at 175 Champ Ln. (Tax Map #15A-4060175).

7:30 PM **Meeting Minutes:** review & approve draft minutes from 4.22.21

7:35 PM **Zoning Administrator’s Report**

7:50 PM **Other business**

8:00 PM **Adjourn**

Call to Order: With a quorum of 6 members present, the meeting was called to order by Steve Diglio, Chair, at 6:32 p.m., and roll call was taken.

Public Comments: (none)

83 Board members asked the applicant if he knew the difference between a waiver and a variance, and the
84 applicant stated that the Zoning Administrator had explained the differences and level of review
85 involved.
86

87 Board members then asked the applicant to explain his motivations, particularly want versus need. The
88 Board explained that variances are only given in very rare, unique circumstances, and even though the
89 requested variance was only for six inches of encroachment, it did not appear that the applicant's project
90 would be jeopardized by making the garage smaller to conform to the setbacks granted by the waiver.
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92 The Board then read the stipulations of receiving a variance and compared the requirements to the
93 proposed project. Board members discussed the legal history and statutory precedence of variances, and
94 affirmed that variances typically only apply when a property owner can't build anything. Variances are
95 hardly granted as a result. While the applicant satisfied a couple of requirements for a variance, the
96 Board felt that he did not satisfy three requirements, particularly unique hardship. The Board found that
97 the applicant possessed the ability to develop his lot, and the zoning requirements did not create a unique
98 hardship. Denial of the variance would not prevent the applicant from reasonably developing his
99 property.
100

101 The Applicant questioned the definition of reasonable use and unique hardship, as he felt that his garage
102 size was reasonable and that a smaller garage did present a hardship. The Applicant felt that a variance
103 for six inches was extremely reasonable. The Board then elaborated on how they interpret
104 reasonableness and hardship, and emphasized that, while six inches seemed reasonable, they were
105 required to abide by the statute as strictly as possible, and they could not justify the issuance of a
106 variance. The Board found that the Applicant could not prove hardship.
107

108 The Applicant asks how the Board is able to distinguish between need and want, and the Board
109 responded that hardship was the litmus test for a variance, and that a hardship could not be proven since
110 reasonable use of the lot was possible, and a slightly smaller garage could be constructed. They
111 understood that denying a variance for six inches seemed ridiculous, but it was their duty to enforce the
112 rules fairly.
113

114 The Applicant stated that the backside of his lot could not be developed due to two septic fields. The
115 Zoning Administrator suggested that, given only a small portion of the garage needed a variance, it may
116 be worthwhile to move the garage to the North by a foot to eliminate the need for a variance. The Board
117 discussed the fact that Champ Lane was an easement and improperly constructed on the Applicant's
118 property. As such, the Board found that the Applicant had the room to move his proposed garage
119 slightly to the North, which allowed the Applicant to maintain the size of the garage and eliminate the
120 need for a variance. The Applicant stated that he felt that this was possible. Board members offered
121 other construction ideas and advice for the project to assist the Applicant in adapting his project to the
122 regulations.
123

124 John Devine made a motion to close the hearing. Rob Ricketson seconded. The motion passed 5-0 with
125 all members voting in favor.