

DORSET ZONING BOARD OF ADJUSTMENT

P. O Box 715
East Dorset, VT 05253-07145

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Date: August 13, 2012
Hearing: #12-04
Applicant: Cynthia Elliot
Location: 590 Upper Hollow Road, Dorset
Request: Variance based on ZBL 4.2.4.1 (dimensional requirements in the AR & R district – front yard setback)

Board Members Present: J. LaVecchia (Chairman), B. Bridges, T. Rawls, S. Jones, K. O'Toole, M. Connors, D. Baker
Board Members Absent: R. Stewart, D. Wilson
Also, Present: Tyler Yandow (ZA), Bill Bowen, Judy Bowen, Merrick Counsell, Jane Bridges, Wilma Taylor, Danny Pinsonault, Laura Mullen, Mary Ann Nutzal, Mary Gilgallon, Cynthia Elliot, Jason Davies

J. LaVecchia, Chairman, stated the application was to be considered under Section 4.2.4.1 (Dimensional Requirements) of the Zoning By-Laws, but actually should be considered under Section 10.1.2 (Enlargement of Non-Complying Buildings). The public hearing was called to order at 7:30 p.m.

J. LaVecchia asked if this was an expansion of a deck at the rear of the house and if the property was pre-existing and non-conforming. T. Yandow responded yes. J. LaVecchia felt that it was unclear on the sketch as to what the distance is for the front set back on the house. T. Yandow explained that it appears from the tax map, that the house is 30% over the property line. C. Elliot noted that the house was built in the 1800's (the old King property – Owl's Head farm). T. Yandow commented that most of the existing house is beyond the setback and J. LaVecchia said "or within the setback." The proposed deck is in the back of the house and the closest that the new construction is to the property line is thirty (30) feet which is less than the forty (40) foot setback requirement. T. Rawls noted that the deck infringes on the front yard setback even though it is in the back of the house. B. Bridges asked what can be done when a house is actually on Town property and K. O'Toole replied that it is not actually Town property, but that the Town has a right-of-way on the property.

J. LaVecchia read ZBL Section 10.1.2 which speaks to the enlargement of non-complying buildings and felt that this was not the classic variance situation. It was noted that there was no issue of a rear yard setback infringement. C. Elliot said that there were three (3) acres with two additions already built in the 1980's and 1990's (south addition and east wing addition). K. O'Toole asks why they would like to build a deck and C. Elliot answered that she has a great

deal of company who use the deck and the deck, as it exists today, is unsafe for the amount of people who use it and there is no egress off the deck. She would like to bring the deck up to safety codes and have a reliable railing installed.

J. LaVecchia asked for comments/input from the audience and Board members. There were no comments made. It was noted that all three applications on the agenda tonight would be heard as individual public hearings, but all three applications would then be considered in Deliberative Session afterward.

B. Bridges moved and S. Jones seconded to close the Public Hearing at 7:45 p.m. Motion carried 7-0.

Deliberative Session opened at 8:15 p.m. and closed at 8:23 p.m.

K. O'Toole moved and B. Bridges seconded to approve the zoning permit application as presented and considered under ZBL Section 10.1.2 ~ Enlargement of Non-Complying Buildings. Motion carried 7-0.

This variance will be valid for one year from date of issuance and subject to a thirty (30) day appeal period.

Respectfully submitted,
Nancy Aversano,

Town of Dorset ~ Zoning Board of Adjustment

Date 8/13/12
Regular Meeting X
Special Meeting

(Please Print) Name	Address	Representing	Testifying (Yes or No)
Bill Bowen	109 Mad Tom Rd	Home Owner	Yes
Lidy Bowen	109 Mad Tom Rd	Home Owner	Yes
MEREDITH COUNSON	1870 HORSE HILL RD	HOME OWNER	YES
JANE Bridges	189 Danby mto.	Home owner	NO
Wilma Taylor	46 Dorset Hill Rd.	Home owner	Yes
Danny Pincusault	East Dorset vt	me	NO
Laura Muller	129 MAD TOM RD E. Dor	Neighbor of Bowen's	NO
Mary Ann Nutzel	72 Pleasant St E. Dorset	friend of Bowen's	NO
Mary Silgaller	129 Mad Tom Rd	Neighbor of Bowen's	NO

Secretary