

# DORSET ZONING BOARD OF ADJUSTMENT

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Date: April 9, 2012  
Hearing: #12-02  
Applicant: Stephen & Tracey Mathyas  
Location: 799 Kirby Hollow Road, Dorset

Request: Variance based on ZBL Section 10.1 (Non-Conforming Uses & Non- Complying Buildings) and Section 4.2.4 (Dimensional Requirements in the AR & R District)

Board Members Present: J. LaVecchia (Chairman), D. Wilson, S. Jones, T. Rawls, B. Bridges, D. Baker

Board Members Absent: K. O'Toole, R. Stewart, M. Connors, Tyler Yandow (Zoning Administrator)

Also, Present: Stephen Mathyas, Tracey Mathyas, Jane M. Bridges

J. LaVecchia, Chairman, called the hearing to order at 7:35 p.m. to hear the Mathyas application which is for constructing an addition on a pre-existing, non-conforming building.

T. Mathyas explained that they would like to construct an addition where the current mud room is located at the front of the house (facing Kirby Hollow Road) bringing it forward in proportion to the house. J. LaVecchia asked the size of the addition and T. Mathyas replied 8 foot by 6 foot (no more than 50 sf) and it would not encroach on the side setback any more than it currently does. There is a steep bank to a brook located there. T. Rawls commented that there was an 11 foot setback currently in place which will not get any worse. J. LaVecchia stated that the addition will be built on a slab with no basement and he believed that the ZBA could approve this application under Section 10.1 of the ZBL and not as a variance. There will be no increase in the degree of non-compliance and the addition will be no closer to the side line.

D. Wilson moved and S. Jones seconded to close the hearing at 7:45 p.m. Motion carried 6-0.

T. Rawls moved and D. Wilson seconded to approve the application for an 8 ft. by 6 ft. addition as presented under ZBL Section 10.1.2 ~ Non-Conforming Uses & Non- Complying Buildings.

B. Bridges requested that the Board members clarify the approval of the addition under Section 10.1 instead of granting a variance under Section 4.2.4. J. LaVecchia explained that they were not technically granting a variance as the application was for a pre-existing, non-conforming structure which is treated separately under Section 10.1.2. The enlargement (addition) is very small and doesn't increase the degree of non-compliance.

Motion carried 6-0.

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, Secretary

Town of Dorset ~ Zoning Board of Adjustment

Date \_\_\_/\_\_\_/\_\_\_

Regular Meeting \_\_\_

Special Meeting \_\_\_

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
STEPHEN MATHIAS	799 Kirby Hollow Rd	SAP	
TRACEY MATHIAS	799 Kirby Hollow Rd	SAP	
Jane M. Bridges	159 Danby Mtn Rd	public	No