

DORSET ZONING BOARD OF ADJUSTMENT

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

802-362-4571
Fax: 802-362-5156

Date: June 13, 2011
Hearing: #11-01
Applicant: David Skulnik
Location: 951 Nichols Hill Road, Dorset
Request: Variance based on ZBL 4.2.4 (dimensional requirements in the AR & R district)

Board Members Present: J. LaVecchia (Chairman), B. Bridges, T. Rawls, D. Wilson, S. Jones, K. O'Toole
Board Members Absent: R. Stewart, M. Connors, D. Baker
Also, Present: Jane M. Bridges, David Skulnik, Peter Gray

J. LaVecchia, Chairman, stating the application is under 4.2.4 of the Zoning By-Laws, called the hearing to order at 7:40 p.m.

D. Skulnik apologized for the error of not getting a variance permit before starting construction of a shed. The 10 ft. by 30 ft., three sided shed connected to an existing 24 ft. by 35 ft. garage is 20 ft. from the property line. It will be used to store miscellaneous equipment which is currently taking all the room in the garage. The abutters (MSA Management, Carl Johnson, Steve Davenport and Dan Rosen) have all been notified. D. Rosen, the abutter closest to the property line set back, responded with a note that he has no objection to the shed location. D. Skulnik explained that the property has no other level space to locate a shed on and presented pictures. It has created a hardship not to be able to use his garage.

T. Rawls moved and D. Wilson seconded to close the hearing and move to Deliberative Session at 7:55 p.m. Motion carried 6-0. Deliberative Session ended at 8:10 p.m.

K. O'Toole moved and B. Bridges seconded to issue a Notice of Violation to D. Skulnik for the construction of a shed without a permit for the time construction started until the variance application was received on April 20, 2011. The penalty is to be assessed by the Select Board. Motion carried 6-0.

Based upon Vermont Municipal and Regional Planning and Development Act, Title 24, Municipal and County Government, Part 2, Municipalities, Chapter 117, Municipal and Regional Planning and Development, Subchapter 8, Appeals, §4468, Appeal; variance, it was the consensus of the Board members that the application satisfied all the criteria.

K. O'Toole moved and B. Bridges seconded to grant the variance as requested for a 20 foot side yard setback. 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.

Based upon the Vermont Municipal and Regional Planning and Development Act, Title 24, Municipal and County Government, Part 2, Municipalities, Chapter 117, Subchapter 1, § 4464, Appeals, (a) An interested person may appeal any decision or act taken...such notice of appeal must be filed within fifteen days of the date of such decision or act, and a copy of the notice of appeal shall be filed with such officer...If the administrative officer fails to act with regard to an application for a permit, within thirty days, a permit shall be deemed issued on the 31st day.

Based upon the Vermont Municipal and Regional Planning and Development Act, Title 24, Municipal and County Government, Part 2, Municipalities, Chapter 117, Subchapter 1, §4443, Zoning permits and certificates of occupancy, (3) No zoning permit issued pursuant to this section shall take effect until the time for appeal in section 4464(a) of this title has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

Respectfully submitted,

Nancy Aversano, Secretary