

DORSET ZONING BOARD OF ADJUSTMENT

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Date: February 13, 2017
Hearing: #
Applicant: Ronald and Natalie Quigley
Location: 59 Barrows Heights Road Dorset, VT
Request: Variance for a side setback for a proposed addition to the Quigley Residence

Board Members Present: J. LaVecchia (Chairman), R. Stewart, B. Bridges, S. Jones, and K. O'Toole
Board Members Absent: T. Rawls
By Phone: D. Wilson
Also, Present: Tyler Yandow (ZA), Jane Bridges, Frank Parent for the applicant Ed Tanenhaus (but recusing himself from proceedings).

Note: Tyler Yandow is the Zoning Administrator but also an abutting property owner.

John LaVecchia, Chairman, called the meeting to order at 7:35. David Wilson was on speaker phone during the entire meeting.

J. LaVecchia, Chairman, stated that the application is under Section 12.9.2 of the Zoning By-Laws.

The case was stated in Mr. Parent's written submission:

The Quigleys request a permit for a variance of the side setback for a proposed addition to their residence at 59 Barrows Heights Road, Dorset, VT. The property is in the Village Residential District. The sideline setback in this district is 15 feet; the proposed variance requests a reduction of the setback by 1.3 feet (to 13.7 feet) for one corner of the addition.

Frank Parent spoke for the applicant:

- The Quigleys own the road - Barrows Heights Road.
- The applicant already has a permit for small addition.
- Then they decided to apply for a new permit for this addition as shown in the documents provided to the Board.
- The permit under review now is for more living space.
- The proportions of the addition now presented are more pleasing and better suited to them.

cc: Zoning Administrator, Town Manager, Planning Commission, Town Clerk, Applicant, File

J. LaVecchia asked for clarification of the boundaries of the property as did other members of the board. There was much discussion on the amount of land in question, what can be done to mitigate it and how it would change the house. There were many questions on the area in question and whether they can redesign the room/addition and not impinge into the set back.

Those Criteria being considered and the explanation being offered by Mr. Parent:

Criterion 1: unique physical conditions of the lot. The house is not parallel to the lot. If it was it would have been an easier task. There is also a lot of ledge behind the house. The property then becomes very steep, over 30% grade.

Criterion 2: Because of such circumstances they feel there is no way the property can be used and be developed in strict conformity with the zoning applications.

K. O'Toole asked the neighboring abutter in the audience what his thoughts were:

Ed Tanenhaus (abutter) said his view out his living room is not in keeping with the nice looks of the neighborhood. He believes what is there now, a partially constructed addition, is not in keeping with the character of the neighborhood. Ed would really like to see the addition. He has no objection to this addition variance request because it would look much better. According to Mr. Tanenhaus, Mr. Quigley wants everything to scale and in keeping with the 'Vermont Vernacular'.

T. Yandow (another abutter): if this is such a small deal why are we here? The same opinion was stated by K. O'Toole: if this is such a small change, why bother with a variance? Mr. Yandow thought the character of the neighborhood would not be too changed if the variance went through.

K. O'Toole: why is this such a hardship if it's such a little bit of space?

Mr. Parent said that the applicants feel they need this much living space to fit their needs.

J. LaVecchia: The applicant just can't get around #2 of the section of the by-law being considered tonight: That there is 'no possibility' the property can be used without this variance. Usually variances are granted for homes that aren't built yet, not those that are already built and lived in at the present time.

R. Stewart: this is a lot of argument and discussion over a small area. She feels it could be built within the set-back requirements. She would deny this application for a variance.

K. O'Toole: it fails under #2. They have not made a sufficient case.

S. Jones: This would set a precedent if we allow it. He doesn't see a problem with the original permit.

Dave W: the addition could be reduced and be fine and within the variance.

B. Bridges is prepared to vote no.

K. O'Toole moves the application for a variance be denied because the applicant hasn't satisfied Section 12.9.2 Paragraph 2.

R.Stewart 2nd

Motion carried 6-0.

Meeting closed at 8:20 PM.

Respectfully submitted,

Rebecca M. Nawrath