

Zoning Board of Adjustment
September 11, 2012
Meeting Minutes

Board Members Present: Ron Kowalski, Peter Grant, Carol Clauss, Ted Desmond, Kevin Brown, Brenda Tillberg

The appeal of Burt DeGraw (Parcel #110145) regarding a notice of zoning violation concerning the lack of permits for two camps in addition to a single family dwelling.

Kevin called the meeting to order at 7:35

Kevin swore in Burt DeGraw.

Bill Bryant (Town Administrator and Zoning Administrator) gave the board an overview of how the zoning violation came about regarding the extra camp that was on the property without a zoning permit.

Kevin had Burt go through the history of the property. Burt explained that the red building was the camp that was in bad shape and he had added electricity and wood heat to the camp, which later burned down. Both of those items were added prior to the fire, but it had no plumbing. In 2009 the camp was rebuilt, Burt put electric back in, hooked up plumbing to a surface well, and put in woodstove heat, while the toilet is compost toilet.

The green camp was starting to be built about 18 years ago, and was completed in 2005/2006. It has wood heat and electric but no plumbing it wasn't recorded when the 2005 town wide re-appraisal was done because it wasn't completed at that point. Burt stated that at some point Joel Bouvier and Chuck Menzer came to reassess the property and valued this camp at \$20,000 appraising it as an outbuilding.

In 2002, Burt began using his property as a Bed and Breakfast called the Notch Bed and Breakfast. This was only used sparingly when it was busy for Middlebury College and he rented the house while he and his wife stayed in the camp. Although the Bed and Breakfast no longer runs, someone is currently renting the red camp.

The board then discussed setbacks of each camp in relation to the property lines. Brenda discussed with the board her interpretation of what a dwelling unit was and felt that the green camp wouldn't be considered a dwelling unit considering there was no plumbing or kitchenette.

Kevin thought the red building would be an accessory dwelling unit, (576 sq ft), Burt's house is 2,452 sq ft, therefore making him inside the 30% requirement.

Kevin moved that the red camp (576 sq ft) is in violation because he did not apply for a permit. He directs Burt to apply for a zoning permit for the camp and for the zoning

administrator to determine if it is an accessory dwelling unit under 594 based on the submitted material. He waived any statutory penalty, but would pay the Town's building without a permit fee, which is four times the cost. Peter seconded, there was no discussion on the motion. All were in favor (6-0).

Kevin moved that the green out building (330 sq ft, easterly of the red) is in violation for building without a permit. The board directs Burt to apply for any necessary permit for this building under the condition that it will not be used for human occupation or a camp use. This would not allow any plumbing, toilet, sink, or kitchenette to be installed. The board will waive the statutory penalty, but apply the Town fee structure. The zoning administrator will add in these conditions to the building permit. Peter seconded, there was no discussion on the motion. All were in favor (6-0).

Peter moved to accept the July 10, 2012 minutes. The board discussed the July 10, 2012 minutes. Kevin motioned to approve the minutes as amended, Peter seconded, all were in favor (4-0, Clauss and Kowalski abstained as they were not present at the July 10, 2012 meeting).