

**ZONING BOARD OF ADJUSTMENT**

Meeting Minutes

Recorded by Janice Pack

August 1, 2019

**Members Attending:** Gil Morris, George Rainier, Loren White, Craig Pettigrew, Jarvis Adams, Sheldon Pennoyer, Steve Atherton

**Meeting opened at 7:04 PM**

Gil called the meeting to order. It was noted that Craig would be a voting member for Case 2019-05. Sheldon and Steve would not be voting tonight.

**Public Hearing, ZBA Case 2019-05**, for the property at 21 Sunset Lake Road (Map S2-Lot 3) owned by John E. Dick who is asking for a Variance from Article D.3 Section III of the Zoning Ordinance to permit a shed in the setback. The case was properly noticed and the applicant has paid in full.

Mr. Dick said that he wanted to put a shed in, and came in and spoke to Catherine. She explained what he needed to do, and advised him to get in touch with Mike Borden. Mike asked about the size dimensions and said if it was under 200 square feet he did not need a building permit. Mr. Dick bought the shed in early April. Craig asked if there was a plot plan that showed where it was on the property. Mr. Dick tried to explain where it was and said there is not 30' of frontage. The shed is 12' x 12'.

Jarvis said that the former building inspector had wanted to have a zoning permit; his understanding is that if you don't have to have a building permit, you shouldn't have to worry about setbacks.

George said page 2, D gives the definition of "Building" in the Zoning Regulations. This structure is 144 square feet, and the definition states that a building is 200 square feet. Craig wondered what made Mike Borden flag it then. Mr. Dick said that when Mike showed up, he did not show his credentials to the people putting up the building. He said Mike did not remember speaking to him on the phone and telling him that he didn't need a building permit.

Neal Brown, an abutter, complimented the Board on their knowledge of Sunset Lake Road. The center of the road does drift. Neal said that John's new shed will be better positioned than 2 of the existing sheds, which are almost in the road. He feels that its in a great place.

Craig asked about the height of the building; it IS considered a building if it is greater than 10' in height.

Jarvis asked Mr. Brown if he was in favor of the shed; Neal said that he was.

There were no other comments from the applicant or the public.

George moved to closed the public portion of the meeting. Jarvis seconded, and the Board proceeded with their discussion.

Craig said if it's less than 200 square feet and not greater than 10' tall, its not a building. Jarvis said we might want to address this with the Planning Board at some point to make it clearer. Loren agreed – is it an exterior or an interior measurement that determines those numbers? Craig said he'd had experience

41 with the measurement also including the overhang of the roof. Sheldon asked for the definition of  
42 height. If the shed is on stilts, that would be included in the height. Sheldon feels that the variance he  
43 should be seeking is for height as this is not a "building" by definition. However, if it is more than 10', it  
44 IS a building.

45 Craig said we need to measure the shed.

46 **The Board recessed at 7:38 PM to go take the measurements.** (Craig and Jarvis went with Mr. Dick)

47 **The Board reconvened at 7:52 PM.** Craig said that from the bottom on the joist, the height is not  
48 greater than 10'. The applicant will bring in a load of stone to bring the grade up. This will make the  
49 shed NOT a building by definition.

50 After reviewing the information, **Craig moved that the Board rejected the application for a Variance in**  
51 **a setback as it was determined that it was not needed due to the fact that the structure is less than**  
52 **200 square feet and not greater than 10' high. Therefore, it does not meet the definition of a building**  
53 **in the zoning ordinance. This was seconded by George. All were in favor; motion passed (5-0).**

54 This concluded the public hearing. (8:00 PM)

55 The Board reviewed the application and map for Case 2019-06. The existing culverts are 10" steel and  
56 they are proposing upgrading to 24" culverts. Gil will email Mason Parker to see if the Planning Board  
57 has an opinion on the upcoming case.

58 Having no further business to discuss, Craig moved to adjourn the meeting, and Jarvis seconded. All  
59 were in favor, motion passed, and the **meeting adjourned at 8:15 PM.**

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