

## **Zoning Board of Adjustment** *Town of Ferrisburgh, Vt.*

FINAL – Minutes for meeting of October 2, 2019; approved November 6, 2019.

**Members present:** Norm Smith (chair), Mike Delaney, Dave Mentzer, Diane Nadon, John Paul, Katie Quinn. **Absent:** Bob Beach.

**Visitors:** Chris Bushey, Linda Bushey, Kaylie Flint, Samantha Flint, Reed Hampton, Ed Izzo, Ben Lessard, Heidi Lessard, Cary Lewis, Joanie Praamsma, Lorie Soter.

Norm Smith called the meeting to order at 7 p.m.

John Paul made a motion to approve the minutes of the meeting on September 4, 2019, with two corrections: adding Lois Higbee to the list of visitors and adding the missing word “shed” to the description of a “bow-roof shed.” Diane Nadon seconded. Dave Mentzer, Diane Nadon, John Paul, Katie Quinn and Norm Smith voted in favor. Mike Delaney abstained.

**Motion approved.**

Ben and Heidi Lessard were present to provide board members with a revised sketch of their proposed project, a 20-foot by 40-foot bow-roof shed on their property at 149 Piney Woods Road. The zoning administrator had approved their application, but neighboring property owners Lorie Soter and Lois Higbee subsequently appealed, concerned about, among other things, that the shed would encroach on an existing driveway. The ZBA heard the appeal at its meeting on September 4 and then made a site visit to the property on September 15. The continuation of the appeal was not included on the agenda for the October 2 meeting and so not warned publicly. The board determined it could not take up the appeal again until it was properly warned. Board members asked to have it included on the agenda for the meeting on November 6, and said that in the interim they would discuss the appeal and the revised sketch, which was not presented to them until just before the meeting.

Dave Mentzer made a motion to continue consideration of the appeal to the next meeting on November 6. Mike Delaney seconded. All voted in favor. **Motion approved.**

**Application No. 19-088 by Steven Dam and Joanie Praamsma for a Conditional Use Permit to operate a short-term vacation rental at their property. The parcel is at 118 Button Bay Lane in the Shoreland District (SD-2) and listed in Town of Ferrisburgh Tax Maps as parcel 13/01/32.**

Norm Smith opened the hearing at 7:05 p.m. Joanie Praamsma was present to speak for the application. She told the board she was preparing to sell the property, but would still be operating it as a short-term rental through October 19. She said Bonnie Barnes had suggested she seek a permit, since she had been renting the property for some time without a permit. The town has determined permits are required for short-term rentals such as Airbnb.

Neighboring property owner Reed Hampton said he opposed the permit, saying large numbers of people, as many as 20 or 30, are sometimes present when the property is rented, and they often trespass on his property, including his dock on Lake Champlain. He said the property is advertised as sleeping 12 people, which he worries is too many for the septic capacity. Board members said state law governs septic system issues, and was based on the number of bedrooms.

Praamsma said the prospective owners are not planning to offer the property for rent but will be using it as their home.

Because Dam and Praamsma are planning to sell the property and the rental operation will end on October 19, board members thought it made sense to allow rentals to continue until then. Mike Delaney made a motion to approve the application as submitted, granting the Conditional Use Permit through October 19, 2019, on the condition that if the sale does not go through, the applicants would need to come back to the ZBA for a new permit. Dave Mentzer seconded. All voted in favor. **Motion approved.**

**Application No. 19-087 by Hoehl Family Real Estate for a Conditional Use Permit for an addition to a seasonal cottage. The cottage is at 264 Driftwood Point Lane and is in the Shoreland District (SD-2). The Hoehl property, known as Grosse Point, is listed in Town of Ferrisburgh Tax Maps as parcel 04/01/45.**

Norm Smith opened the hearing at 7:20 p.m. Cary Lewis, property manager for the Hoehls, was present to speak for the application, and had a letter from the Hoehls authorizing him to do so. He said the cottage is on the Hoehl's 438-acre property. He said the 12-foot by 16-foot addition would not involve a change to the roof line and would use siding and roofing materials that matched the existing cottage. It would not add a bedroom or kitchen, so no additional septic capacity would be required. He said the Hoehls had applied to the state for a shoreland permit, and that the permit had been approved but was officially subject to a public review period, which ends October 21. He hoped the Zoning Board could approve the Conditional Use Permit conditional on the applicant obtaining the final shoreland permit.

Diane Nadon made a motion to close the hearing at 7:24 p.m. John Paul seconded. All voted in favor. **Motion approved.**

John Paul made a motion to approve the application as submitted, pending receipt by the town of the state shoreland permit. Diane Nadon seconded. All voted in favor. **Motion approved.**

**Application No. 19-089 by the Boardman Revocable Trust for a Conditional Use Permit to take down an existing garage and build a new one on the same footprint. The property is at 276 Summer Point Lane in the Shoreland District (SD-2) and is listed on the Town of Ferrisburgh Tax Maps as parcel 19/20/01.**

Norm Smith opened the hearing at 7:26 p.m. Ed Izzo was present to speak for the application. He said the plan was to replace the existing 13-foot by 27-foot garage with a new structure on the same footprint, using similar materials and colors for roofing and

siding. The new building would be about the same height as the existing garage. It would have electrical service for lights but no heating system or plumbing. It would have one light on the outside, which would be downcast. He believes that because the project will not increase the impervious surface on his parcel, no shoreland permit from the state will be required. He said a few trees near the garage, which are already leaning over the existing building, might need to be removed. He also said the building would be raised slightly so that it does not sit in standing water during the spring, when the lake level is high. He said vegetation would need to be cleared around the building during construction, but that it would be replanted once the job was complete. Dave Mentzer said any effort to manage stormwater around the building should not divert water into the neighbor's yard, and Izzo agreed.

John Paul made a motion to close the hearing at 7:33 p.m. Katie Quinn seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application as submitted, with the condition that any change in the grade around the new garage would not direct water into the neighbor's property. Mike Delaney seconded. All voted in favor. **Motion approved.**

**Application No. 19-090 by the Samantha Flint and Kaylie Flint for a waiver to put an addition on their home that would be within the existing sideyard setback. The property is at 520 Little Chicago Road in the Rural Agricultural District (RA-5) and is listed on the Town of Ferrisburgh Tax Maps as parcel 23/20/56.**

Norm Smith opened the hearing at 7:35 p.m. Kaylie Flint and Samantha Flint were present to speak for the application. They said they are proposing to build a 12-foot by 12-foot addition for a home office, on the side of the existing house. The sideyard setback in the RA-5 district is 25 feet, and this addition would be within 15 feet of the property line. The Flints had a letter from their neighbors saying they had no objection to the project. They said they were not planning to open a business at the location, just add space for a home office. They said they did not have elevation drawings for the project, waiting to receive a waiver before they pursued the project further. Mike Delaney said approving an addition for a home office would not allow use of the space as an additional bedroom, which would likely require a revised wastewater permit.

Diane Nadon made a motion to close the public hearing at 7:41 p.m. John Paul seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application as submitted, with conditions: that the addition not extend past the back of the current house; that the height of the addition not exceed the current building height; that any outside lighting fixtures be downcast; and that more detailed drawings of the addition, including elevations, be submitted to the town before construction begins. John Paul seconded. All voted in favor. **Motion approved.**

Board members then spent some time discussing the appeal of the Lessards' Conditional Use Permit to construct a 20-foot by 40-foot shed on their property at 149 Piney Woods Road. They said that during their site visit, it appeared the stakes locating the shed indicated it would not encroach on the existing driveway, and that the Lessards had agreed

to move the building a little farther from the driveway. Board members did not think the new sketch provided by the Lessards was detailed enough, and hoped they could provide a new sketch, well in advance of the next meeting on November 6, that clearly located the corners of the building and the existing driveway. Board members said there is always a tension between allowing a property owner to do what they want on their land and the rights of neighboring property owners, but hoped that a solution could be found in this instance that would satisfy both the applicants and the appellants.

Katie Quinn made a motion to adjourn the meeting at 8:27 p.m. John Paul seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells