

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting- November 1, 2022
Draft

Present Sam Cohen, Vice Chairperson and Sergeant at Arms
 Christopher Maple
 Jeffrey Rose, Alternate

Guests John Kendall, Code Enforcement Officer
 Shelley Griswold, Applicant
 James Griswold III, Applicant
 Nick Warden, potential buyer
 Jessie Crews, Abutter
 Alex Crews, Abutter

Vice Chairperson Cohen called the meeting to order at 7:08 p.m.

The minutes of the September 6, 2022 meeting were reviewed and accepted with corrections.

It was noted that Chairperson Clark would not be present as there was a death in her family. It was also noted that there will be a case coming to the ZBA for a variance request from the ski area for a sign.

Vice Chairperson Cohen opened the Public Hearing for a variance request by Shelley and James Griswold III who have property at 16 Eaton Avenue, Map 10, Lot 25. The Griswolds are requesting a variance for the lot size to enable an addition to their home. As there were only three Zoning Board of Adjustment members present the Vice Chairperson explained that all members present would need to vote to approve the variance or it would be denied. The applicants were given the option to continue the hearing to the first Tuesday in December to possibly have all five Board members present. Mr. and Mrs. Griswold were in favor of continuing the hearing to December. The Public Hearing was continued until December 6, 2022 at the Bennington Town Hall at 7:15 p.m.

The Board discussed the issue of whether a variance, if granted, is “attached” to the property or to the owners, and stated in this case, it would attach to the property, effective through future transfers of ownership. Also discussed was whether a variance should have an expiration date; it can, but in this case, if granted, it will not. The Board further discussed how to make the variance, if granted, “permanent,” and properly visible to anyone involved with the property in

the future, and concluded that the ZBA should write a formal Notice of Decision and have it recorded by the County Recorder, and, in parallel with how subdivision plats are recorded, conclude with dated signatures of the ZBA Chairperson and Recording Secretary.

The description of the variance in the Notice of Decision, if granted, should be to the effect that the almost-half-acre plot (0.47acres) is to be considered “promoted” to an “effective” half-acre plot for the purpose of dealing with any zoning regulations, including section VII-C of the Bennington Zoning Ordinance.

As there was no other business at hand, the meeting was adjourned at 7:45 p.m.

Respectfully Submitted by

Debra Belcher
Zoning Board of Adjustment Recording Secretary