

**BROOKFIELD BOARD OF ADJUSTMENT
RULING ON APPLICATION OF SHAWN KRISCH
FOR A NON-CONFORMING LOT VARIANCE**

**Parcel 11-066.000
Permit Application # 2020.21a**

Background:

Michael and Alyce Brouillard (Owners) and Shawn Krisch (Agent) request a Variance under Section 3.10 of the Development Bylaws. Mr. Krisch proposes building a 16 foot by 30 foot A-frame style cabin on the property located on Eagle Peak Road. The parcel is 3 acres in area and therefore, a Non-conforming Lot. The proposed cabin would violate 2.1.E.4.a of the Bylaw which requires a minimum 5-acre lot.

Mr. Krisch submitted an application dated October 2, 2020. On October 4, 2020, the Administrative Officer, Mike Fiorello, received the application and denied approval, citing the need for a Variance, and forwarded the request to the Board of Adjustment for review.

A site visit was warned and conducted at 4:00 PM on February 14, 2020. The site visit was attended by Dennis LaRocque representing the Board of Adjustment. No one else was present.

A hearing by the Brookfield Board of Adjustment was warned and conducted at 7:00 PM on Saturday, February 20, 2021 via Zoom. The Hearing was attended by Mr. Krisch and Alyce Brouillard representing the Applicants; Theresa White, Dennis LaRocque, and Tom Allen, representing the Board of Adjustment; and Interested Parties Brian Kirk, Barbarajean Therrien, Marie Therrien, and Tim Quinn.

Discussion and Findings of Fact:

The Parcel in question is currently under a Sales Contract between the Owners and the Agent contingent on approval of a Development Permit with Variance if necessary.

The Agent (Shawn Krisch), as the potential buyer, would like to build an A-Frame cabin on the property under the definition of a Camp contained in Article 5, page 40 of the Bylaw.

The proposed cabin does not meet the definition of an Accessory Dwelling Unit under the Bylaw, however, it does meet the definition of a Camp.

Mr. Krisch produced evidence of notification to Abutters via Certified Mail receipts.

None of the Interested Parties who appeared at the Hearing spoke in opposition to the project or application.

The site plan and testimony by Mr. Krisch and Mr. Quinn show that there is an existing cabin substantially on the same site and of approximately the same size, where the proposed new construction would be. Mr. Quinn further states that the existing structure was a 2-story camp.

Mr. Krisch agreed to place the new structure as closely as practical on the same site as the existing camp. Site conditions may affect exact location.

Ms. Brouillard testified that the Lot was created in 1981 or 1982 and that the cabin existed at that time. This predates the adoption of the Bylaw.

Paragraph 3.2 D of the Bylaw states that "...Provided setback requirements are met, no permit is required for the reconstruction or enlargement of a building or structure, except for an accessory dwelling unit or the enlargement of a building or structure by more than 120 square feet of floor space cumulatively within a period of five years (exclusive of decks and porches)."

The site plan submitted with the application shows that all setback requirements are met.

Ruling:

All other conditions having been met, and on motion of Mr. Allen, seconded by Mr. LaRocque, the Board of Adjustment ruled unanimously that there is an existing structure on a non-compliant lot and that both predate the adoption of the Bylaw. The proposed project qualifies as a reconstruction of an existing camp on the same building site, and as the setback requirements are met, the Board also rules that under provision 3.2 D of the Bylaw, no permit is required.

For the Board of Adjustment:

Thomas Allen (Acting Chair)

Theresa White

Dennis LaRocque

Dated: February 26, 2021