APPROVAL OF
Zoning Application 0301007.2026
on Parcel # 0301007 (91 West Ridge Rd.)
issued to
Nazim & Gabrielle Zilkha

Permit Application: #0301007.2026 Official Submission Date September 9, 2026

Land Owners: Nazim & Gabrielle Zilkha (Deed at Book 175 Page 626)

Applicant: The Wadsworth Co. on behalf of Nazim & Gabrielle Zilkha

Identification of Parcel: Lot 0301007 (91 West Ridge Rd.)

Summary of the Project: This is an application to build a second story over the garage to allocate space for a bedroom, bathroom, office and den approximately 490 sq foot addition staying within the footprint of the garage below at the applicant's residence at 91 West Ridge Rd. The structure is currently non-conforming.

Finding of Facts and Conclusions of Law:

A zoning permit application was submitted on August 31, 2026, for second story garage addition by Wadsworth Co. The Zoning Administrator received the application the same day. The zoning permit was then returned to Wadsworth Co with a request to correct setback measurements on the left, right, rear and road frontage and be resubmitted. The application was resubmitted on September 9, 2026, and reviewed by the Zoning Administrator. The Zoning Administrator found that the current structure is in violation of the legally required setback of 25' (1 acre parcel) from abutting property along the northwestern side by 12'. Due to the proposed addition's placement within the area of non-conformance, the Zoning Administrator forwarded the application to the Zoning Board of Adjustment for review for a dimensional waiver of the setback. *(For Dimensional Waiver Review, see Stratton Zoning Ordinance (2016) Section 320.3.4.2.)*

Therefore, a Public Hearing was warned as follows:

NOTICE
Town of Stratton
Zoning Board of Adjustment
In accordance with 24 VSA §4464, the Stratton Zoning Board of Adjustment will meet at the Stratton Town Office, 9 West Jamaica Rd. in Stratton on Wednesday, October 7, 2026, at 7:00pm to conduct a Public Hearing for, and consider, a request for a waiver of the setback from the property line for the construction of an addition at 91 West Ridge Rd. in Stratton, owned by Nazim & Gabrielle Zilkha.

Participation in the local proceedings is prerequisite to the right to take any subsequent appeal. All documents submitted with the application are available to be reviewed at the Stratton Town Office, Monday through Thursday from 9 a.m. to 3p.m.

Beth Liller
Beth Liller
Asst Town Clerk

Certificate of Service:

Copies of the Notice of Public Hearing for this Dimensional Waiver were properly posted within the Town of Stratton on September 15 ,2026 published in the Brattleboro Reformer (September 18, 2026) and sent on September 15, 2026, to the owner, the applicant, all ZBA members, the Zoning Administrator, the Board of Selectmen and the following abutters and organizations, as required by law:

Marcel & Sharon Gisquet
PO Box 473
Bondville, VT 05340

Janusz & Aneta Duz
221 Harvester Rd
Orange, CT 06477

Lucas Family Assoc VT
C/O Nancy Mignon
61 Johnson St.
Bay Head, NJ 08742

Peter & Susan Armstrong
17 Owenoke Park
Westport, CT 06880

Amy H. DeGraff
66 Stoner Dr
West Hartford, CT 06107

Town of Winhall, VT
115 VT Route 30
Bondville, VT 05340

The Hearing proceeded as follows:

TOWN of STRATON ZONING BOARD OF ADJUSTMENT
APPLICATION FOR A DIMENSIONAL ZONING WAIVER REQUEST
TO INSTALL A SECOND STORY ADDITION ABOVE THE EXISTING GARAGE AT 91 WEST RIDGE ROAD, STRATTON

REGARDING PARCEL # 0301007, a one-acre parcel on Stratton Arlington Road.
The Town of Stratton Zoning Board of Adjustment conducted a hearing on Wednesday October 7, 2026, at the Stratton Town Office, 9 West Jamaica Rd. Stratton, VT., regarding an application submitted by Wadsworth Co. on behalf of Nazim & Gabrielle Zilkha, for a proposed second story addition above the existing garage, for a waiver of the setback at the applicant's residence at 91 West Ridge Rd. (Parcel ID 0301007)
Attendance: ZBA: Boomer Walker, Chair, Paul Bernard, Greg Marcucci, DR Holton, and Steve Fletcher; Rob Wadsworth, Randy Begin of Wadsworth Co., representing the Zilkhas; Ray Hawksley, Zoning Administrator, Amy & Arthur (Turk) DeGraff, Winhall abutting property owners & Beth Liller, ZBA Clerk.
The meeting was called to order at 7:00 pm.

The Board reviewed "Proposed Addition To Existing Residence" dated October 7, 2026, submitted (Exhibit A) by Randy Begin. Testimony was then heard from DeGraffs, owners of the abutting property at 77 West Ridge Rd on the northwest side. Their concern includes the setback, as well as blocking their southerly view of Stratton Mountain (slopeside).

Amy DeGraff stated that they had not been properly notified of the addition built in 2019 at 91 West Ridge Rd. (Parcel ID 0301007). Known in testimony as the "Game Room," the addition was built in violation of the Town of Stratton's setback requirements. Testimony referenced the ZBA's 2019 approval of permit application #0301007-2R, issued to the Zilkhas for that addition. (See Stratton Zoning for further reference). Amy DeGraff did confirm she was properly notified of the current hearing. The DeGraff's expressed concern that the proposed addition would further encroach on their property and obstruct their remaining view.

Ray Hawksley, Zoning Administrator, testified that the project is encroaching on the property line setbacks and that the DeGraff's view is framed by the Zilkha's existing garage roofline view, anything built higher will block it.

Randy Begin, of Wadsworth Co., submitted sets of drawings of the project at the time of the hearing with testimony that the project is not increasing the footprint of the property. The proposed addition will not be built any higher than the existing house roofline. (Drawings marked Exhibit A.) The height measurement of the addition will be within the zoning guidelines.

After some discussion, Greg Marcucci stated a site visit to the property was warranted. The board members concurred. A site visit was scheduled for October 20, 2026, at 5:00 p.m. at 91 West Ridge Rd.

Greg Marcucci moved to adjourn to the date and time certain. DR Holton seconded. All concurred. The meeting adjourned at 7:30 pm.

The site visit took place at 5:00pm at 91 West Ridge. Present were ZBA Board Members: Boomer Walker, Chair, Greg Marcucci, DR Holton, Steve Fletcher, & Paul Bernard, Rob Wadsworth, Randy Begin of Wadsworth Co.; Amy & Turk DeGraff and Beth Liller, ZBA Clerk.

The hearing reconvened at 5:45 pm at the Stratton Town Office after completion of site visit with all board members present. Boomer Walker asked for a motion to enter deliberative session, Greg Marcucci so moved, Paul Bernard seconded, all concurred. At 6:30 pm the board came out of deliberative session with a motion to adjourn to date and time pending scheduling with attorney Bob Fisher to continue deliberation. Greg Marcucci so moved, DR Holton, seconded and all concurred.

On October 22, 2026, the Board reconvened at 6:30 pm at the Stratton Town Office with the following members present: Boomer Walker, Greg Marcucci, DR Holton, Steve Fletcher, and Paul Bernard. Beth Liller ZBA clerk; Robert Fisher Town Attorney.

Boomer Walker requested a motion to enter executive session and invite Attorney Fisher at 6:30 p.m., Greg Marcucci so moved and DR Holton seconded and the board entered executive session.

The Board exited executive session at 7:15pm and Boomer Walker asked for a motion to adjourn to October 26, 2026, at 6:45pm pending further instruction from Attorney Fisher. Paul Bernard so moved, and DR Holton seconded, all concurred.

On October 26 , 2026 at 6:47pm the Board reconvened with the following members present: Boomer Walker, DR Holton, Greg Marcucci and Paul Bernard. Beth Liller ZBA clerk.

The Board reviewed the legal memorandum from town counsel, Attorney Robert Fisher. (Exhibit B). The Board approves the application to construct a second story to the garage structure. The new construction does not increase any degree of pre-existing non-conformity since the variance to the side yard set-back in 2002. The building height is within the town's height limitation. The Applicant shall not exceed the footprint or 'drip edge' of the eaves when constructing the addition.
Boomer Walker asked for a motion to approve the zoning application # 0301027.2026, Greg Marcucci so moved, DR Holton seconded and all concurred.
With no further business. A motion to adjourn was moved by Greg Marcucci, seconded by Paul Bernard and the board adjourned at 6:51 p.m.

The Town of Stratton Vermont by:
Its Zoning Board members October 2026

Conclusion:

After reviewing the evidence and consulting Town Attorney Robert Fisher, the Board determined that no waiver was required and approved the permit. A 2002 ZBA variance authorized a one-story garage within the setback. Therefore, increasing the height of this nonconforming structure does not increase the degree of nonconformity, provided its footprint remains unchanged. The ZBA verified that, under the plans, the addition, including its roof edges, remains within the existing garage footprint and does not extend farther north.

Conditions: The applicant shall not exceed the footprint or 'drip edge' of the eaves when constructing the addition. To follow all standard permit application requirements established in the Stratton Zoning Ordinance (2016) and any other Local or State requirements that may apply.

Final Dimensional Waiver Decision by Zoning Board of Adjustment:

Approved: _____ 10/29/26
Boomer Walker, ZBA Chair — Date

Permit Report reviewed and Final Approval granted:

_____ 11/3/26
Zoning Administrator — Date

Right to Appeal:

ZBA or Planning Commission decisions may be appealed to the Environmental Court. Appeals must be submitted to the Environmental Court within 30 days after a written decision has been issued.

Vermont Superior Court, Environmental Division
32 Cherry Street, 2nd Floor, Suite 303
Burlington, VT 05401
Phone: 802-951-1740 - Hours: Monday–Friday, 8:00 AM–4:30 PM

Recording:

(at least 30 days after date of approval – no Appeals submitted)