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## BOARD OF APPEALS 1, 2011 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Curtis Ruckey  
and Peter Lambert

Town Staff Present:

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Chairman O'Connor called the meeting to order at 7:10 pm.

Board roll call was taken.

### MINUTES:

**Chairman O'Connor referred to the July 5, 2011 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Aspinwall moved to accept the July 5, 2011 meeting minutes, as published. Mr. Lambert seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

### BILLS & CORRESPONDENCE:

None

### OLD BUSINESS:

None

### NEW BUSINESS:

- a. Public hearing on Application #FY11-12-01, Owner/Applicant: Gary Zax for a variance for the property located at 39 Briarcliff Drive to decrease the side yard setback to 7.5 feet, where 12 feet is required.**

Chairman O'Connor explained that there were only four Board members present and that any vote would have to be unanimous. He went on to say that the applicant could choose to move forward with the hearing that evening or wait until the following month's meeting when they would have five Board members present. He then explained that with five Board members the vote did not have to be a unanimous vote. The applicant stated that he wanted to move forward with the public hearing that evening.

Gary Zax of 39 Briarcliff Drive addressed the Board and stated that he currently had a one car garage. He explained that he wanted to extend it over 10 feet in order to make it a two car garage so that his 82 year old father, who lived with him, could also put his car in the garage. Mr. Zax pointed out that the way in which the house was situated on the lot it did not



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sit parallel to the property line. He went on to say that he would have the required 12 feet to the property line in the front of the garage, but that it angled back and would need the variance for the back of the garage.

Mr. Lambert stated that he had driven by the property in question and that the house did indeed sit on an angle. Mr. Ruckey asked how the pitch of the roof was. Mr. Lambert replied that the gable end was toward the neighbor's property.

Mr. Lambert asked Mr. Zax if there was going to be an overhang on the gable end of the roof. Mr. Zax replied that it would be the same as it currently was, just moved over 10 feet. Mr. Lambert then asked if the applicant was going to also widen the driveway. Mr. Zax replied that he was.

Chairman O'Connor asked the Board members for any further questions. They had none.

Chairman O'Connor asked for any public comments in favor of the application. There were none.

Chairman O'Connor asked for any public comments in opposition to the application.

Nancy Larson of 5 Druid Street addressed the Board and stated that her property abutted the applicant's property. She went on to say that she had lived in her home since 1976 and that she had never seen the Zax park a car in their garage that was used for daily transportation. She pointed out that the garage had always been used for storage. Ms. Larson stated that Mr. Zax currently had a car in the garage that he did not use on a daily basis and that he also had another car in the back with a tarp over it.

Ms. Larson read a prepared statement concerning clutter around the applicant's property and an incident in which her grape vine had been cut down.

Chairman O'Connor interrupted Ms. Larson as she read her statement and pointed out that the issues she was referring to in her statement were a separate issue from what was before the Board that evening; they were really Blight issues.

Chairman O'Connor asked Ms. Larson if her driveway was in when she moved into her home. Ms. Larson replied that it was not. She went on to say that she had told her neighbors when she was putting the driveway in and that they were okay with her putting the driveway in. Mr. O'Connor asked if her property had been surveyed before the driveway went in. Ms. Larson replied that Boutin had installed her driveway and that they had taken the measurements and told her that it would be fine.



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The Recording Secretary then asked Ms. Larson for a copy of her prepared statement for the record. Ms. Larson stated that she would email it to the Recording Secretary.

Chairman O'Connor asked Ms. Larson for any further comments. Ms. Larson commented that she did not think that the applicant would park his vehicles in the garage. Mr. O'Connor pointed out that it was not up to the Board how the applicant used the garage.

Bruce Widdard of 5 Druid Street addressed the Board and stated that he had lived at the residence with Ms. Larson for the past 14 years. He went on to say that from the day he moved in there had always been trash around it. Mr. Widdard noted that they had also had an old greenhouse in the back and two cars parked on the grass between the driveway and the property and that they had been infested with wasps. He went on to say that it had taken many years to get Mr. Zax to get rid of the greenhouse and several more years to get rid of the vehicles.

Mr. Widdard stated that there was still all kinds of stuff leaning against the garage which was a fire hazard. He went on to say that if they were to extend the garage over 10 feet closer to his property then they would be moving that fire hazard closer to his property.

Chairman O'Connor again pointed out that that was a Blight issue and that there were different avenues to address it. The discussion between Mr. Widdard and Mr. O'Connor continued briefly.

Mr. Ruckey stated that the Board understood what Ms. Larson and Mr. Widdard were saying; they had a valid issue which should be taken to the Police Chief and the First Selectman. He then explained that what the Board looked at was the property, the uniqueness of the property, the desire of the homeowner to add to their property, within reason, and if they could not do what a normal owner would be able to do to their property in that area based upon how their property was designed then they could come for a variance. He went on to say that quite often the Board had allowed variances due to the uniqueness of the properties. Mr. Ruckey then pointed out that the property in question was unique and that the house on the property was unique.

Chairman O'Connor commented that he would assume that if the homeowner was going to spend the money to put a garage onto the home, that he would maintain that home. He also noted that it would increase the value of the home in question, which in turn would increase the value of the other homes in the neighborhood.

Ms. Larson asked about the overhang on the garage and whether or not the applicant could have an 18ö overhang like they currently had. Mr. Ruckey stated that they were looking at the drainage issue. Chairman O'Connor stated that they needed to have an overhang for



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drainage purposes. Ms. Larson pointed out that the applicant currently had a very large overhang on the house. Mr. Zax stated that he would have to speak with his contractor as to how they would put the addition on, but that he had assumed that it would just be a continuation of what was currently in place. He then noted that it was a hip roof. Mr. Lambert commented that the standard for a hip roof was 12ö.

Mr. Zax stated that he was planning on doing the roof over, siding the house, and putting in new windows. He went on to say that he had also gotten rid of some of the stuff that was on the property. Gerry Zax, the applicant's father, also noted that they were getting a dumpster in order to remove most everything from the property and that the scrap yard was going to remove the metal pipes, etc. from the property.

Mr. Zax, the applicant, pointed out that every car that was on the property was registered.

Robert DeSousa addressed the Board and stated that he lived across the street from the applicant. He commented that he was neither for nor against the application; he wanted to remain neutral. He went on to say that he was friends with both the applicant and Ms. Larson and Mr. Widdard. Mr. DeSousa stated that he did agree with Ms. Larson on some issues, the property in question could be neater. He then pointed out that Gerry Zax was a very friendly, lonely man since his wife passed away.

Mr. DeSousa stated that Gerry Zax had approached him and asked him how he could make peace with Mr. Widdard and Ms. Larson whom he still considered his friends. He then noted that Mr. Zax had also sent a letter to Ms. Larson offering to transplant the grape vine somewhere else in her yard so that they could remove the old fence, but received no response from Ms. Larson. He went on to say that that was when Mr. Zax had to remove part of the grape vine and the fence. Mr. DeSousa stated that he wanted everyone in the neighborhood to be happy.

Mr. DeSousa stated that there seemed to be an attempt to fix up the house and property in question. He went on to say that he was in favor of the garage addition, but that he lived across the street not next door. He also noted that he had a two car garage, because the previous owner had added it on to the house. He then explained that that previous owner was able to add the two car garage because he had obtained a variance and because his neighbors had allowed it. Mr. DeSousa stated that the more two car garages there were in the neighborhood the better for him; it would increase the value of his home and the neighborhood as a whole.

Mr. Zax explained that since his mother passed away he owned the home. He went on to say that he had been trying to fix it up, since it was now his house. He then stated that he was putting in a new roof, vinyl siding, windows, and the garage. Mr. Zax then explained that in

order to remove the old rusty fence he had had to cut some of the grapevine that had grown around it. He then noted that he wanted to install a post and rail fence where the old fence had been.

Chairman O'Connor asked the Board for any further comments or questions. They had none.

**Chairman O'Connor asked for a motion regarding Application #FY11-12-01. Mr. Aspinwall moved to approve Application #FY11-12-01, Owner/Applicant: Gary Zax for a variance for the property located at 39 Briarcliff Drive to decrease the side yard setback to 7.5 feet, where 12 feet is required. He then noted that the hardship was the way in which the house was located on the property; it met the required setback in the front, but tapered on an angle in back to only 7.5 feet. Mr. Ruckey seconded the motion. All were in favor. The vote was 4 0, the motion was approved.**

Chairman O'Connor pointed out that if there was blight on the property, the neighbors could file a formal complaint about it with the First Selectman.

**Mr. Ruckey move to adjourn the meeting. Mr. Lambert seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:40 pm.**

Respectfully submitted

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**