

ZONING BOARD OF APPEALS
November 5, 2018 Meeting Minutes

Board Members Present: Shane O'Connor, Douglas Glazier, Ronald King and
Alternate Christopher Halpin

Town Staff Present: Jennifer Rodriguez, Town Planner

The meeting was called to order at 7:06 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the May 7, 2018 meeting minutes and asked for any corrections or changes. There were none. Mr. King moved to approve the May 7, 2018 meeting minutes as published. Mr. Halpin 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. DMV Applications

None

b. Public Hearings

1. Public hearing on Application #FY18-19-01, Owner/Applicant: Mark Whitten for a variance for the property located at 28 Andover Road to reduce the front yard to 30 feet where 40 feet is required for an attached garage.

Mark Whitten, Sr. address the Board and stated that his son, Mark Whitten, Jr., was the owner of the property but that he was going to be doing the work on the home. He then explained that the house was on an angle on the property which was a corner

lot. Mr. Whitten, Sr. stated that they were proposing to construct a mud room and two care garage. He then noted that he had spoken to the neighbors and that none of them had voiced any concerns about their proposal.

Chairman O'Connor asked the Board members for any questions. Mr. King noted that he had driven by the property and that everything looked to be in order. He went on to say that the hardship seemed familiar; the same as some of the others that the Board had dealt with in the past where the layout of the house on the property made it somewhat inconvenient to actually build or do something in tune with the needs of the property and the neighborhood. He then reiterated that the property in question was a corner lot with the house on a diagonal.

Mr. Glazier noted that he had visited the property and had seen the lay-out with the old driveway and commented that a lot of the land was being done over. He went on to say that there were steel posts in the ground that served as important markers for where the proposed two car garage was going to be built. Mr. Glazier noted that one corner of the garage was going to be 30 feet from the property line and 40 feet from the curb. He went on to say that the other corner was 18 feet from the neighbor's property line. He then noted that the house was situated in such a way as it could have been considered on Andover Road or Cornwall. Mr. Glazier concluded by stating that the posts gave a good clarification as to where the garage was going to be built.

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

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez referred to her memorandum to the Board dated November 5, 2018 and read it as follows:

“Comments:

1. The applicant, Mark Whitten, has submitted a request to reduce the front yard to 30 feet where 40 feet are required.
2. The applicant has submitted an application form and plot plan for your reference.
3. Per the Connecticut General Statutes (CGS), in order to grant a variance the Board shall find that a valid hardship, that is neither personal nor financial in nature, has been demonstrated. See attached excerpt for your reference.
4. Per CGS the Board shall consider whether or not the result of the requested variance is in harmony with the area in respect to public health, safety, property values and neighbor impact. See attached excerpt for your reference.”

Ms. Rodriguez then commented that although not noted in her memorandum, if any of the Board members had spoken with the applicant, that any part of the conversation that might not have previously been brought up be disclosed for the record because any information that was gained outside of the public hearing would be improper. She then continued to read from her memorandum dated November 5, 2018 as follows:

“5. If the board finds that both requirements of #4 and #5 are met, and there is a motion made to approve the request, the Board shall enumerate the hardship(s) for the record as part of the motion.”

Ms. Rodriguez then encouraged the Board to consider, with regard to the hardship, whether there was something in particular about the property in question; the land that it was on, the regulations and if there were restrictions on the land that were different from other properties. She then urged the Board to focus on the uniqueness of the property in question as opposed to others in the zone. She then continued reading from her memorandum:

“6. The Board can approve, modify or deny the applicant proposal. If the Board finds that a hardship has been determined and there is a motion to grant the variance request, please consider the following conditions. If you deem them appropriate then they must be read as part of the motion in order to be enforceable:

1. The granting of this variance is for the improvements proposed in this application only, permitting an exception to the requirement of a 40 foot front yard for the structure proposed.
2. The hardship upon which this decision is based is _____.
3. Changes to this site plan may require a return to this Board.
4. This is not a permit to construct. Please see the Building and Land Use Office for any additional permit requirements.”

Chairman O’Connor commented that he had also stopped by the property and had spoken to Mr. Whitten, Sr. earlier that evening. He went on to say that he had seen exactly what they were proposing to do.

Chairman O’Connor asked the Board Members for any further questions or comments. Mr. Glazier referred to Ms. Rodriguez’ earlier comments and noted that he had spoken to Mr. Whitten, Sr. and that he had summarized the extent of their conversation in his comments earlier that evening.

Mr. Halpin referred to the diagram that had been submitted with the application and noted that it looked like they were proposing a two car garage. He then asked if they were to construct a one car garage instead, it would fall within in the guidelines and not need a variance. Mr. Whitten, Sr. confirmed that it would be close, but that it would just barely fall within the guidelines.

Chairman O'Connor asked the Board Members for any final comments. They had none.

Chairman O'Connor asked for any public comments either in favor of or in opposition to the application. There were none; no members of the public were present.

Chairman O'Connor asked for a motion regarding Application #FY18-19-01. Mr. Glazier stated that he had read and understood the regulations and that he had looked up the legal definition of a hardship prior to the evening's meeting. Mr. Glazier moved to approve Application #FY18-19-01 Owner/Applicant: Mark Whitten for a variance for the property located at 28 Andover Road to reduce the front yard to 30 feet where 40 feet is required for an attached garage. The granting of this variance is for the improvements proposed in this application only, permitting an exception to the requirement of a 40 foot front yard for the structure proposed. The proposed structure is fully within the harmony with the general area on Andover Road. The hardship being granted is to allow them, not to deny them or deprive them of, the benefit of their property for the construction of a two vehicle garage in order to protect their vehicles against the aggress conditions of weather that we have in the Northeast. Changes to this site plan may require a return to this Board. This is not a permit to construct. Please see the Building and Land Use Office for any additional permit requirements. Mr. King seconded the motion. Mr. O'Connor asked for any further discussion. The Board members had nothing further to discuss. Mr. O'Connor then noted that the hardship was unique to the house on the corner lot. He again asked for any further discussion. There was none. All were in favor. The vote was 4 – 0, the motion was approved.

Mr. Glazier moved to adjourn the meeting. Mr. King seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:25 pm

Respectfully submitted,

Diane Ferrari
Recording Secretary

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.