

ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 13, 2017
TOWN HALL 7:00 P.M.

Michael Durstin, Peter Brazaitis IV, Mark Gelormino, Theodore Root, Jr. and Land Use Coordinator Polly Redmond
Absent: Chairman Thomas Rotondo and Alternate Member John Dicostanzo

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chair Mark Gelormino called the hearing to order at 7:00 p.m. All regular members present are seated.
LUC Redmond reads the call to hearing as published in the Republican American on 9/1/17 and 9/8/17.

2. MAURICE & JOANNE PIPER, 529 LITCHFIELD ROAD - APPLICATION FOR A 15 FOOT FRONT YARD VARIANCE FROM SECTION 5 ZONING REGULATIONS FOR CONSTRUCTION OF A 24' X 24' ADDITION TO EXISTING SHED.

Maurice Piper is present and submits proof of mailing giving notification of this hearing to neighbors within 200 feet of the property lines. He explains that the shed he wishes to add on to has always been there and most likely predates Zoning. His property is a corner lot located in a Country Residential zone requiring a 60 foot front yard setback on the south side of the property fronting Birch Hill Road. Site plans prepared by Dufour Surveying titled Improvement Location Survey, dated 5/23/06, are provided showing the existing house and structures on the property. It also shows topography and grade of the land on the east side preventing any structures to be built in that area. It is noted that an existing garage on the property is located in the town's right of way off Birch Hill Road that also predates Zoning. TAHD and IWWC approval has been received.

The floor is opened for public comment at this time.

Naomi Toftness, 3 Birch Hill Road, speaks in favor of the application.

3. CONTINUE OR CLOSE HEARING.

With no other comments from the public or commission, T. Root, Jr. **motioned** to close the public hearing at 7:17 p.m., seconded by M. Durstin. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chair Mark Gelormino called the hearing to order at 7:17 p.m. All regular members present are seated.
LUC Redmond reads the call to hearing as published in the Republican American on 9/1/17 and 9/8/17.

2. MARGUERITE KOZLAK, 22 LAKE HARWINTON ROAD – APPLICATION FOR A 14.6 FOOT SIDE YARD VARIANCE FROM SECTION 5 ZONING REGULATIONS FOR CONSTRUCTION OF A 10' X 13' DECK.

Mike Lewchak, MJL Construction, is present to represent the applicant and submits proof of mailing giving notification of this hearing to neighbors within 200 feet of the property lines. The property is located in the Lake Harwinton Association requiring a 25 foot side yard setback. The applicant has received LHA signoff. TAHD and IWWC approval has also been received. A site plan by DiCara Land Surveying, titled Property Survey, dated June 2003 is reviewed that shows the existing house to be 10 feet to the side property line. The proposed deck will be 13 feet to the side property line and will be screened in. There is no public comment at this time.

3. CONTINUE OR CLOSE HEARING.

P. Brazaitis IV **motioned** to close the public hearing at 7:25 p.m., seconded by T. Root, Jr. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair M. Gelormino called the meeting to order at 7:25 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/9/16

P. Brazaitis IV **motioned** to approve the minutes of the previous meeting, seconded by T. Root, Jr. Motion passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - MAURICE & JOANNE PIPER, 529 LITCHFIELD ROAD - APPLICATION FOR A 15 FOOT FRONT YARD VARIANCE FROM SECTION 5 ZONING REGULATIONS FOR CONSTRUCTION OF A 24' X 24' ADDITION TO EXISTING SHED.

P. Brazaitis IV points out that the existing shed is already nonconforming and that the proposed addition is in keeping with the width of that shed. M. Gelormino states that this structure and other structures on the property are outside of the building envelope. He notes that the topography to the east is also a hardship in locating any buildings in that area. T. Root, Jr. notes that the property is a corner lot with two front yard setbacks that gives disadvantage to additions to those buildings not meeting the front yard setbacks off Birch Hill Road. M. Durstin **motioned** to approve the application for the reasons that the topography of the land prevents the construction of additional outbuildings within the setbacks and that the proposed addition is minimal as only a portion of the addition is outside the building envelope. T. Root, Jr. seconded the motion and it passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - MARGUERITE KOZLAK, 22 LAKE HARWINTON ROAD – APPLICATION FOR A 14.6 FOOT SIDE YARD VARIANCE FROM SECTION 5 ZONING REGULATIONS FOR CONSTRUCTION OF A 10' X 13' DECK.

P. Brazaitis IV points out that the undersized lot contains 0.19 acres and the existing house location prevents the deck from meeting the side yard setback of 25 feet. T. Root, Jr. **motioned** to approve the application for reasons that the lot is undersized and the house itself is nonconforming. M. Durstin seconded the motion and it passed unanimously.

5. CORRESPONDENCE.

None.

6. INVOICES.

None.

7. ADJOURN.

P. Brazaitis IV **motioned** to adjourn the meeting at 7:42 p.m., seconded by T. Root, Jr. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator/ZBA Clerk

RECEIVED FOR RECORD AT HARWINTON CT
ON 09/18/17 AT 12:45 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK