

## MINUTES

### ZONING BOARD OF APPEALS WATERFORD TOWN HALL

AUGUST 1, 2013  
6:30 PM

Members Present: Chairman Peter Bendfeldt, Barbara Panciera, Joshua Friedman, Cathy Newlin  
(1 vacancy)  
Alternates Present: J. Filippetti, Thomas Malley Jr. (1 vacancy)  
Staff present: Zoning Official Michael Glidden, Carol Libby

#### 1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Bendfeldt called the meeting to order at 6:34 PM and appointed T. Malley Jr. to sit for the vacant position.

#### 2. PUBLIC HEARING

**Application ZBA-Z-13-10.** Appeal of Joseph & Mary Schlehofer, owners and applicants at 674 Vauxhall St. Ext., R-20 zone. Variances are requested from Zoning Regulations sections 4.4.1 & 4.4.2 requesting <sup>1</sup> 33 ft. variance to the front yard setback <sup>2</sup> 6 ft. variance to the western side yard setback. Variances are needed to construct a covered porch to the existing residence per plans submitted.

Chairman Bendfeldt read the hearing notice, exhibit list and memorandum from M. Glidden CZEO, Zoning Official into the record.

- Exhibit 1: Application and supporting documentation.  
(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).
- Exhibit 2: Notice of Public Hearing published in The Day newspaper on July 18<sup>th</sup> and July 25<sup>th</sup>, 2013.
- Exhibit 3: Copy of notification letter to applicant dated July 9<sup>th</sup>, 2013, regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.
- Exhibit 4: Condensed comment sheet.
- Exhibit 5: Memorandum, dated 7/31/13 from M. Glidden, Zoning Official

Joseph B. and Mary Schlehofer, owners and applicants of the property came forward to present the variance request. Due to the distance of the curb line and the 96 foot front yard right-of-way the proposed covered porch would not need a variance and there are similar enclosed front porches in the area. The property was purchased in 1990. When the 3 car garage was built in the back yard, they needed to blast due to the rear yard consisting of ledge. There is no intention of enclosing the proposed covered porch into a living area/room.

M. Glidden, Zoning Official stated a variance is required because the proposed porch has a roof over it and is considered a structure per the zoning regulations. The width of the right of way has created an

unusual hardship. Previously, the right of way was considered a portion of the state road and has since been turned over to the Town of Waterford. The right of way is 96 feet in width at the front of subject property. If the property line was along the curb line of Vauxhall Street Extension, the proposed construction would be 67.7 feet from the property line.

M. Glidden stated he has received complaints regarding construction material being stored on site. Per Frank Hoagland, Building Official, Mr. Schlehofer has a valid building permit for construction on his property, although not complete, he has been making progress on the projects. Mr. Schlehofer is still working on the renovations and the material on site is customary and incidental to the construction activities.

Chairman Bendfeldt questioned if anyone present wished to speak in favor of the variance request.

The following people came forward expressing support of the variance request:

Ralph Whiting of 673 Vauxhall Street Extension  
Rose Marie Whiting of 673 Vauxhall Street Extension  
Fred Serluca of 16 Maple Court  
Patricia Serluca of 16 Maple Court

Chairman Bendfeldt questioned if anyone present wished to speak in opposition of the variance request.

No one came forward.

The Public Hearing closed at 6:50 PM.

### **3. APPLICATION REVIEW**

**Application ZBA-Z-13-10.** Appeal of Joseph & Mary Schlehofer, owners and applicants at 674 Vauxhall St. Ext., R-20 zone. Variances are requested from Zoning Regulations sections 4.4.1 & 4.4.2 requesting <sup>1</sup> 33 ft. variance to the front yard setback <sup>2</sup> 6 ft. variance to the western side yard setback. Variances are needed to construct a covered porch to the existing residence per plans submitted.

MOTION: Motion made by C. Newlin, seconded by B. Panciera to approve the variance request.

VOTE: 5-0

REASON: The existing 96 foot width of the right of way in front of the property creates an unusual hardship.

#### **4. APPROVAL OF MINUTES**

MOTION: Motion made by Chairman Bendfeldt, seconded by C. Newlin to approve the July 11, 2013 meeting minutes as written.

VOTE: 5-0

#### **5. NEW BUSINESS/CORRESPONDENCE**

- M. Glidden stated the denial decision of the Zoning Board of Appeals on July 11, 2013 regarding 2 Jordan Cove Circle, owner Hugh Durham has been appealed to the Superior Court.
- The Superior Court has upheld the ZBA decision to deny the variance request of Mr. David Ferace, 29 Strand Road for construction of a new home.
- M. Glidden distributed to all members and discussed a memo sent 7/25/13 regarding flood insurance public outreach meetings. FEMA 2014
- Review of draft ZBA fee schedule

M. Glidden, Zoning Official and Carol Libby, Office Coordinator discussed the proposed new fee schedule. A base fee rate for residential (\$200) and commercial (\$350) plus a bulk item charge is proposed. The rate increase is necessary to defray the required cost of advertising for public hearings. Additional discussion will be continued at the next meeting of the Zoning Board of Appeals, then forward recommendations to the RTM.

#### **6. OLD BUSINESS**

None

#### **7. ADJOURNMENT**

MOTION: Motion made by J. Friedman, seconded by C. Newlin to adjourn the Zoning Board of Appeals public hearing meeting at 7:15 PM.

VOTE: 5-0

Respectfully submitted,

Carol Libby