

MINUTES

ZONING BOARD OF APPEALS WATERFORD TOWN HALL

AUGUST 7, 2014
6:30 PM

Members Present: Chairman Joshua Friedman, Cathy Newlin, Peter E. Bendfeldt, and Francisco Ribas
Alternates Present: Elizabeth Yother and Thomas Malley
Members Absent: Barbara Panciera
Alternates Absent: Joseph Filippetti
Staff present: Thomas Lane, Zoning Enforcement Officer and Carol Libby, Secretary

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Friedman called the meeting to order at 6:29 PM and appointed T. Malley for B. Panciera.

2. APPROVAL OF MINUTES

MOTION: Motion made C. Newlin, seconded by Chairman Friedman to approve the July 10th, 2014 minutes as written.

VOTE: 5-0

3. PUBLIC HEARING

Application #ZBA-14-3. Appeal of Peter & Dorinda DeScherer, owners at 22 Quarry Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.2., side yard, required 20 ft., existing 2.0 ft., proposed 2.0 ft. Variance is needed to convert existing 120 sq. ft. shed (10'x12') to a 288 sf. garage by a 168 sq. ft. (14'x12') addition.

Chairman Friedman read the hearing notice and the following exhibit list 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 24th, and July 31st, 2014.
- Exhibit 3: Copy of notification letter to applicant dated July 22, 2014 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: Two letters dated 7/26 and 7/28/14 from Paul and Elena McEntarfer and Pedro and Maria Andrade expressing support for granting the variance.

Attorney Mathew H. Greene, agent and Dorinda De Scherer, owner were present to represent the variance request.

Attorney Greene presented a letter, dated 7/29/14 from Jon Peck in support of the variance request, Exhibit 6. Att. Greene stated his clients at 22 Quarry Rd., which is located in an R-20 zone, are asking for an 18 foot variance from regulation 4.4.2 side yard setback. The owners wish to replace the existing shed with a one car garage. Also, the existing 12 x 10 shed is a non-conforming structure and is approximately 2 feet from

the stone wall adjacent to the property line. The proposed garage would follow along the same course as the side wall of the shed. There is currently no garage on the property. The current location of the shed is the only appropriate location on the property for the garage to be built, there is an existing driveway which leads to the shed. The proposed location of the garage is the furthest away from any of the neighbors' homes, which are located on flag lots. The adjoining neighbors are in support of the variance request.

Att. Greene also stated he is seeking a waiver of the requirement of an A-2 survey. He has provided diagrams of the property appropriately depict the locations of the building, property line and adjacent properties also the location of the proposed garage. He also included in the variance request, the town GIS and a copy of a site plan which is recorded in the land records.

Att. Greene reference section 27.5, of the zoning regulations, which lists the criteria of granting a variance (1) no adverse effect on the adjoining neighbors (2) in conformance with other properties (3) increase in value to all properties affected (4) there is an existing driveway which leads to the proposed garage (5) fits the character of the neighborhood.

T. Malloy questioned if there were plans showing the new garage.

Att. Greene and D. De Scherer stated it would be a pre-fabricated garage, 24 x 12 and would tie into the aesthetic of the neighborhood.

F. Ribas questioned the date of the survey submitted and would the garage have a dirt foundation.

Att. Greene replied the survey is dated 09/02/97 and the garage floor would contain six inches of gravel and also the building shown in the rear of the lot does not exist.

Chairman Friedman suggested moving the garage on the side of the existing shed would make the garage conforming to the zoning regulations.

Att. Greene stated if the garage was moved it would be in the middle of the lot and in the center of the deck. It would be a dangerous situation trying to back a vehicle from that location. The existing shed would be removed and replaced with the proposed garage.

F. Ribas questioned which neighbors were in favor of granting the variance.

Att. Greene stated that #24, 24A and 26 Quarry Road sent letters in support of the variance request. Also six photographs were distributed to commission members of 22 Quarry Road; exhibit #7.

Chairman Friedman questioned on three occasions if anyone present was in favor or against the proposed variance request.

No one came forward.

4. APPLICATION REVIEW

MOTION: Motion made by C. Newlin, seconded by P. Bendfeldt to approve the variance request.

VOTE: 5-0

REASON: The property is an existing non-conforming lot; the request is in keeping of the neighborhood and an improvement of the property.

5. NEW BUSINESS/CORRESPONDENCE

Zoning Enforcement Officer T. Lane spoke to the commission members regarding asking Town Attorney R. Avena if he could attend one of the meetings of the ZBA from 5.30 pm to 6.30 pm to discuss rules and regulations with the board members.

It was the consensus of the commission members that meeting with Att. Avena would be very informative to all. T. Lane will make arrangements with Attorney Avena.

- **Draft Annual report – Fiscal Year 2013/2014**

MOTION: Motion made by C. Newlin, seconded by F. Ribas to approve the annual report as submitted.

VOTE: 5-0

- **Draft 2015 Zoning Board of Appeals meeting dates – calendar**

MOTION: Motion made by Chairman Friedman, seconded by F. Ribas to approve the ZBA 2015 meeting dates.

VOTE: 5-0

- **Draft 2015/2016 Fiscal Year budget**

MOTION: Motion made by C. Newlin, seconded by Malloy to approve the 2015/2016 Fiscal Year budget as prepared.

VOTE: 5-0

6. OLD BUSINESS

T. Lane stated that has not been a decision rendered regarding The Strand ZBA case.

7. ADJOURNMENT

MOTION: Motion made by C. Newlin, seconded by T. Malley to adjourn the meeting at 7 PM.

Respectively submitted,

Carol Libby
Secretary