

MEMBERS PRESENT: Chairman Laurie Robinson, Arthur Shilosky, Patrick Reading, Michael Solis; Alternate: Bob Setschinsky; Selectman's Liaison: Stan Soby; Staff: Craig Grimord, Assistant Town Planner/Zoning Enforcement Officer; Gail Therian, Clerk

MEMBERS ABSENT: Alternate: James Ducharme

1. **CALL MEETING TO ORDER.**

Chairman Robinson called this meeting to order at 7:00 p.m.

2. **ADDITIONS TO AGENDA**

No additions were requested.

L. Robinson asked for a motion to scramble the agenda to allow for the election of officers at this time.

Motion by: A. Shilosky
to scramble the agenda to move Item A, Election of Officers, under New Business.

Second by P. Reading

Vote: Unanimous

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COLCHESTER, CT
2010 JAN 20 PM 1:55
NANCY A. BRAY
Nancy A. Bray

3. **PUBLIC HEARINGS**

- A. **ZBA #09-014, Carl Sypher Applicant, Tom & Kathy Durante, Owners,** for property located at 247 Old Hartford Rd., Tax Map # 09-00, Lot #010, General Commercial Zone. Property is located on the West side of Old Hartford Rd., between the south and north ends of Upton Road approximately 320' North of the intersection of the south end of Upton Rd and Old Hartford Road. Applicant is requesting a variance to Section 14.4.1 to expand an existing non-conforming use. The variance is requested to add an addition to the existing single-family home. **(PH opened and closed on 1/19/10)**

The Public Hearing was opened at 7:05 p.m. C. Grimord read the legal warning as it appeared in The Rivereast Bulletin on January 8 and January 15, 2010.

Chairman Robinson reviewed the ground rules for the hearing and noted that the voting members for this application are: L. Robinson, P. Reading, A. Shilosky and M. Solis.

Record items as follows:

- A. ZBA Application for Variance submitted on 12/21/09.
- B. Notarized letter from the property owner granting permission to the applicant to act on their behalf.
- C. Copy of the current deed for the parcel;
- D. Assessors property card for the parcel;
- E. Tax Assessor's Map showing all the abutting properties within 150' of the subject parcel.
- F. List of names and addresses of the abutters within 150' of the subject property.
- G. Plot Plan, 1"=10' dated 12/14/09 of the existing house and the proposed addition;
- H. Background statement from the property owners regarding the proposed addition;
- I. Copy of the prepared newspaper ad to be published on 1/8 & 1/15;
- J. Tear Sheet of the legal notice published in the 1/8/10 edition of the Rivereast News Bulletin;
- K. Letter sent to the applicant dated 11/2/09 informing him of the Public Hearing date and time with a copy of the legal notice to send to his abutting property owners;
- L. Copy of the legal notice from the 1/15/10 edition of the Rivereast News Bulletin;
- M. Application Review by C. Grimord, Assistant Planner & ZEO dated 1/15/10;
- N. Mailing receipts with proof of abutter notification;
- O. Color portion of the Current Zoning map of the parcel and the surrounding area zoning;
- P. 11" X 17" copy of a portion of the assessor's parcel map with the current abutting property uses;

C. Grimord reviewed his memo dated January 15, 2010 that was included in the Board member's packets. He also distributed a colored copy of a portion of the current Zoning map (Item O) and a copy of a portion of the assessor's parcel map with the current abutting property uses (Item P) for the Board to review. He said that this application is for a variance to Section 14.4.1 to allow for the expansion of a non-conforming use to construct a 24' x 24' addition to the

rear of the existing single family home to serve as a family room with a bathroom. The current zoning for this property and the surrounding properties is "General Commercial", and single-family residences are not an allowed use in this zone. He reviewed the history of the zoning of this property. The hardship is that zoning regulations made the existing single-family home a non-conforming use. The change to the Zoning Regulations is the only restriction to the applicant's proposal for the proposed addition. He said that this is a rare instance that the Board can justify the expansion of a non-conforming use because of the changes of the zoning and regulations that affect this property. Discussion followed.

Carl Sypher, applicant, said that the hardship is the change of the zoning on this property. He said that Tom & Kathy Durante, owners of the property, have a growing family and need the additional space that this room and bathroom would provide.

Speaking in Favor – No one Spoke

Speaking in Opposition – No one spoke

Motion by: A. Shilosky
to close the Public Hearing.
Second by P. Reading
Vote: Unanimous to close. Time: 7:20 P.M.

Motion by: P. Reading
Motion is made to **APPROVE** ZBA application #09-014; Carl Sypher Applicant, Tom & Kathy Durante Owner, for property located at 247 Old Hartford Road, Tax Map # 09-00, Lot #010, General Commercial Zone. Applicant has requested a variance to Section 14.4.1 to allow for the expansion of a non-conforming use. The variance is requested to construct a 24' X 24' addition to the rear of the existing single-family home. **The variance is granted for the following reasons:**

- A. Granting of the variance will not substantially affect the general purpose and intent of the Zoning Regulations.
- B. The change to the regulations and area zoning has caused an unusual and unique hardship to the parcel in that the existing and previously permitted single-family use is now a non-conforming use.

Second by A. Shilosky
Vote: Unanimous

4. Pending Applications – None

5. Minutes of Previous Meeting

A. Minutes of November 17, 2009 Meeting

Motion by: P. Reading
to approve the minutes of the November 17, 2009 meeting.
Second by A. Shilosky
Vote: Abstentions: M. Solis and B. Setschinsky **In Favor:** L. Robinson, P. Reading and A. Shilosky **Motion carried.**

6. New Business

A. Election of Officers

Motion by: A. Shilosky
to nominate L. Robinson as Chairman and P. Reading as Vice Chairman.
Second by: M. Solis
Vote: Unanimous

Chairman Robinson said that she will be attending the Commission Chairman's Meeting on January 21, 2010. She will ask that the search continue to fill the vacancies on this Board.

Zoning Board of Appeals
January 19, 2010 – Regular Meeting Minutes
Town Hall – Room #1
127 Norwich Avenue

C. Grimord told the Board that G. Schuster, First Selectman, has asked that the work that had begun on updating and revising the Zoning and Subdivision regulations be expedited. He explained that process that will be used to reach the goal of completing the revisions and updates of these regulations by year's end. Discussion followed.

7. Old Business – None

8. Zoning Enforcement Officer's Report – November 2009 and December 2009

C. Grimord answered several questions regarding outstanding violations and complaints listed in his November and December report.

9. Correspondence - None

10. Adjournment

Motion by: A. Shilosky
to adjourn

Second by: P. Reading

Vote: Unanimous.

Chairman Robinson adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Gail N. Therian
Clerk