

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

MEMBERS ABSENT: None

1. **CALL MEETING TO ORDER.**

Chairman Robinson called this meeting to order at 7:02 p.m.

2. **ADDITIONS TO AGENDA**

No additions were requested.

3. **PUBLIC HEARINGS**

C. Grimord read the legal warning as it appeared in The Rivereast Bulletin on March 5 and March 12, 2010.

Chairman Robinson reviewed the ground rules for the hearing

- A. **ZBA#10-015, Colchester Federated Church, Applicant/Owner**, for property located at 60 Main Street, Tax Map # 16-00, Lot #074, R-30A/HPOZ Zone. The parcel is located on the West side of the road at the Southwest corner of the intersection of Main St. (A.K.A. CT Rte. 85) and Linwood Ave. (A.K.A. CT Rte. 16). Applicant is requesting a variance to Section 16.1.11 of 14 Sq. Ft. of sign area, and Section 16.5.1.A, to allow for two free standing signs in a residential zone. The variances are necessary in order to erect a second sign on Linwood Ave. **(PH scheduled opened 3/16/10)**

The Public Hearing was opened at 7:05 p.m.

Chairman Robinson noted that the voting members for this application are: L. Robinson, P. Reading, A. Shilosky, M. Solis and B. Setschinsky. She said that P. Hayn, Alternate would participate in the Public Hearing but would not participate in the deliberation of this application.

Record items as follows:

- A. ZBA Application for Variance submitted on 1/29/10 and revised 2/12/10.
- B. Exceptional difficulty/Hardship statement, revised 2/12/10;
- C. Tax Assessor's Map showing all the abutting properties within 150' of the subject parcel.
- D. List of names and addresses of the abutters within 150' of the subject property.
- E. Current deed for the parcel;
- F. Copy of a plan (24" X 36") for the proposed Variance request titled "Colchester Federated Church Main Street, Colchester Ct Congregational Sign Location Plan, prepared for Colchester Federated Church, 60 Main St Colchester, CT by BSC Group dated 1/26/10, 1"=40';
- G. Review for compliance letter dated 2/2/10 from C. Grimord, Assistant Planner and ZEO;
- H. Prepared newspaper advertisement for the Rivereast News Bulletin;
- I. Notice sent to the applicant to notify himself and the abutters of Public Hearing date;
- J. Tear sheet from the 3/5/10 Rivereast News Bulletin;
- K. Tear sheet from the 3/12/10 Rivereast News Bulletin;
- L. Staff Memo from Craig Grimord, Assistant Planner & ZEO dated 3/12/10;
- M. Staff Photo of existing un-permitted banner sign above the church entrance;
- N. Certificates of Mailings to abutting property owners

C. Grimord told the Board that this application is for variances to allow for an increase in the maximum allowed square footage of sign area variance of 14 square foot sign requirements and to allow for two freestanding signs on a parcel in a residential zone. Staff has reviewed the applicant's claim of hardship and does not believe that the required hardship criteria exist to justify the granting of a variance.

Kurt A. Prochorena, Director of Operations of BSC Group, gave an update on the progress of the site work for the parking lot. He explained the application for variance is based on the hardship that the Federated Church has a unique location situation because it is on the intersection of two (2) major roads. He said to address this hardship the church should be allowed to have a sign facing each road. This sign would identify the church and also the parking lot entrance.

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Zoning Board of Appeals
March 16, 2010 – Regular Meeting Minutes
Town Hall – Room #1
127 Norwich Avenue

Mark Tierney, 46 Stanavage Road, Chairman of the Colchester Federated Church Parking Lot Committee, spoke about the progress of the project and the general public use of the parking lot and asked about the limitations of size on a directional sign.

Discussion followed regarding the need for a directional sign indicating the entrance to the Church parking lot. The Board reviewed the location of the sign on the site plan approved by the Planning and Zoning Commission.

Speaking in Favor

Reverend Linda Barnes, 85 Gill Street, Pastor of the Colchester Federated Church
John Sawchuk, 228 McDonald Road
Jim Corona, 674 Middletown Road
Mitchell Koziol, 136 Boretz Road
Debra Howard, 480 New London Road

All spoke to the need of two signs to identify the church and the parking entrance.

Mark Bosse, 8 Christy Lane, said that the church has combined the properties and the land of the two (2) abutting residences and this should not be considered a residential zone and should not need to follow the sign regulations for a residential zone. He also mentioned that the church has always allowed public parking in their parking lot for special events on the Town Green.

Stan Soby, 40 Ude Way, said that although he is a member of the Board of Selectmen he was not speaking on their behalf. He also stated that he is a lapsed member of the church at this time. He said that with the increased development and signage on Route 16, Linwood Avenue, a sign for the parking entrance would help to identify the church parking area to those not familiar with the area.

Tim York explained that a directional sign could be attractively designed and did not have to look like a typical traffic sign.

Chairman Robinson explained to those present that one of the charges of the Zoning Board of Appeals is to minimize the need of the variance. A discussion followed about alternative signage that would identify the entrance to the parking lot area without Church identification.

Speaking in Opposition – No one Spoke

A discussion followed regarding the hardship of the variance request and possible alternatives to addressing the designation of the parking lot entrance.

Motion by: A. Shilosky
to continue the Public Hearing to allow the applicant to come back to the Board with an alternative sign.
Second by No one seconded the motion

Chairman Robinson stated that since there was no second to the motion, the motion was not before the Board.

Discussion continued and the Board's consensus was that the required hardship documentation did not justify the granting of a variance at this time and suggested that the applicant review and revise the documentation supporting a hardship.

Motion by: A. Shilosky
to continue the Public Hearing.
Second by P. Reading
Vote: Unanimous to close. Time: 8:40 P.M.

- B. ZBA#10-016, Lenkiewicz Construction Co. LLC, Applicant, John & Vallerie Sedor, Owner,** for property located at 295 McDonald Rd., Tax Map # 02-06, Lot #006-003, R-80 Zone. The parcel is located on the East side of the road, between Hominick Rd and Shadbush Dr. Applicant is requesting a variance to Section 13.21.2.1 of 25 Ft. of the 50 ft. side yard setback requirement for a flag lot. The variance is necessary in to construct a 3-car garage with upper level living area. **(PH opened 3/16/10)**

The Public Hearing was opened at 8:42 p.m.

Chairman Robinson noted that the voting members for this application are: L. Robinson, A. Shilosky, M. Solis, B. Setschinsky and P. Hayn. P. Reading recused himself.

Record items as follows:

- A. ZBA Application for Variance submitted on 2/23/10.
- B. Tax Assessor's Map showing all the abutting properties within 150' of the subject parcel.
- C. List of names and addresses of the abutters within 150' of the subject property.
- D. Current deed for the subject parcel;
- E. Copy of the site plan for the proposed Variance request titled "Site Plan and Partial First Floor Plan ,Sedor Residence, 295 McDonald Rd" 1"=40' dated 2/1/10;
- F. Complete building plans of the proposed addition;
- G. Plan titled "Property Line Revision Map, Lots 1, 2 & 3, McDonald Road" 1"=40' dated 8/12/98, prepared for Spice Bush, LLC by Jess McMinn & Associates;
- H. Aerial Photo from Bing Maps of the site with the proposed addition drawn on by CAG;
- I. Letter from the WEO dated 2/19/10 regarding the Conservation Easement on the property;
- J. Copy of the prepared legal ad to be published in the 3/5 and 3/12 editions of the *Rivereast News Bulletin*;
- K. Notice sent to the applicant to notify him of the Public Hearing date with attached notice to send to the abutters;
- L. Tear sheet from the 3/5/10 *Rivereast News Bulletin*;
- M. Staff Memo from Craig Grimord, Assistant Planner & ZEO dated 3/12/10;
- N. Tear sheet from the 3/12/10 *Rivereast News Bulletin*;
- O. Site pictures taken by staff on 3/2/10;
- P. Mailing receipts with proof of abutter notification;

C. Grimord told the Board that the applicant is seeking to reduce the requirement for 50' setbacks from all property lines of this flag lot from 50' to 25'. He explained that this lot was part of a subdivision approved in 1998 and zoned R60. The applicant was issued a Single Family Residence building permit in August of 1999 and the house was given a certificate of occupancy in April of 2000. The Zoning Regulation changes approved by the Planning and Zoning Commission in 2003 changed this flag lot property from an R-60 zone to an R-80 zone. This regulation change also doubled the acreage and setback lines of flag lots in this Zone. There are other restrictions on the property such as a Conservation Easement, and the location of the septic system and the well. A discussion followed regarding the foundation for the addition that is under construction.

Dave Lenkiewicz, Lenkiewicz Construction Company, applicant, explained the background of the "foundation only permit" he had requested. He expressed his regret for this action and told the Board that he would take full responsibility to bring the property back to its original state if this variance was not granted. D. Lenkiewicz told the Board that the variance could be reduced to 23' instead of the original 25' requested due to reorientation of the proposed addition.

Tim York, Building Official, explained to the Board that a "foundation only" permit could be issued in accordance with the State Building Code. He also told the Board that this type of permit would not be granted in the future until the variance had been granted.

Vallerie Sedor, owner of the property, answered questions from Board members regarding the design of the addition.

Discussion followed regarding an alternative location or redesign of the addition, the hardships presented and the reduction of the original 25' variance.

Speaking in Favor –

Vallerie Sedor, owner of the property, apologized to the Board for moving ahead on this project before the variance was granted.

Speaking in Opposition – No one spoke

Motion by: A. Shilosky
to close the Public Hearing.

Second by B. Setschinsky

Vote: Unanimous to close. Time: 9:55 P.M.

The Board deliberated on this application immediately following the closing of the Public Hearing.

Motion by: A. Shilosky

Motion is made to **APPROVE** ZBA application **ZBA#10-016, Lenkiewicz Construction Co. LLC, Applicant, John & Vallerie Sedor, Owner**, for property located at 295 McDonald Rd., Tax Map # 02-06, Lot #006-003, R-80 Zone. Applicant is requesting a variance to Section 13.21.2.1 of 25 Ft. of the 50 ft. side yard setback requirement for a flag lot. The variance is necessary in to construct a 3-car garage with upper level living area. **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 changes to the Zoning and Regulations have caused an unusual and unique hardship to the parcel unnecessary to carrying out the general zoning plan.
- C. The location of the existing Conservation Easement, septic system and well restricts the potential development of the site.

Second by B. Setschinsky

Vote: **Those in favor:** L. Robinson, A. Shilosky, B. Setschinsky and P. Hayn
Opposed: M.Solis
Motion Carried

Motion by: A. Shilosky

to amend the original motion to reduce the variance to Section 13.21.2.1 from 25' of the 50' side yard setback requirements for a flag lot to 23'.

Second by B. Setschinsky

Vote: **Those in favor:** L. Robinson, A. Shilosky, B. Setschinsky and P. Hayn
Opposed: M.Solis
Motion Carried

10. Adjournment

Motion by: P. Reading
to adjourn

Second by: B. Setchinsky
Vote: Unanimous.

Chairman Robinson adjourned the meeting at 10:05 p.m. It was noted that the Town Hall was closing at this time and the remaining items on the agenda were suspended at this time.

Respectfully submitted,

Gail N. Therian
Clerk