

MEMBERS PRESENT: Chairman Laurie Robinson; Patrick Reading, Michael Solis, and Bob Setschinsky;
Staff: Randy Benson, Assistant Planner/Zoning Enforcement Officer, Gail Therian, Clerk

MEMBERS ABSENT - Jason Radachy; Stan Soby, Board of Selectmen Liaison

1. **CALL MEETING TO ORDER.**

Chairman Robinson called this meeting to order at 7:06 p.m.

2. **ADDITIONS TO AGENDA** - None

3. **PUBLIC HEARINGS** - None

- A. **ZBA#15-002, Ann and Robert J. Craig, Applicant/Owner,** for property located at 135 Woodbine Rd., Assessor's Tax Map # 01-11, Lot #009-041A located in the Rural Zone. Applicant is requesting a 11' variance to §3.4.4. Building setback requirement for the purpose of constructing a 14 x 28 foot deck. (Public Hearing opened on 9/8/2015; continued to 10/20/15;)

R. Benson read the Public Hearing legal notice published in the Rivereast on August 28 and September 4, 2015. He read the Exhibit List with Items A - M.

Chairman Robinson asked the members of the audience if anyone had any concerns or comments about the members of the Board that were seated for the Public Hearing. No comments were made. She went on to explain the Public Hearing procedure. She told the applicant that the Board was missing one member this evening and explained the options available to them regarding continuing the Public Hearing or closing the Public Hearing and having the Board deliberate and possibly vote at this meeting with only four members. She stated that the voting members for this evening on this application were: L. Robinson, P. Reading, B. Setschinsky, and M. Solis.

R. Benson said that this variance is for a pre-existing deck constructed on the rear of the house in the side setback. The property is 2.09 acre lot with over 1 acre of the lot in the conservation easement. The house was located on the property near the setback line. The location of the house left a space of three (3) feet between the rear of the house and the setback line. Since the house was constructed a 14' by 28' deck was constructed, resulting in the deck being 14' from the property line.

R. Jerry Craig, the applicant and homeowner, spoke via telecommunication. He explained that he hired a local contractor to build the 14' x 28' deck in 2008. He said that he and his wife were requesting a variance because of the restrictions of the property and there was no other location to construct the deck. He said that the deck is consistent with the homes in the neighborhood.

Ann Craig, the applicant and homeowner, said that a deck is a common accessory to a home. The deck was placed in the setback because of the restrictions of the property.

Discussion followed with questions to the applicants regarding the contractor and when the Town became aware of the deck in the setback. The Board requested the applicant to provide documentation and/or a cancelled check for the construction of the deck. The Board requested R. Benson to provide more information regarding the Statute regarding a pre-existing structure. R. Benson will also check with the Town Attorney for an interpretation of the Statute.

Speaking in Favor –

Ursula Tschinkel, 171 Woodbine Road, said she was in favor of the variance being granted.

A letter from Erin and Jason Cordes, 187 Woodbine Road, dated September 4, 2015 in support of the variance was read into the record. (Exhibit Item N).

Speaking in Opposition – No one Spoke

A letter of granting a 30 day extension to continue the Public Hearing was submitted by A. Craig. (Exhibit Item O)

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CHESTER, CT
2015 SEP -9 PM 2:13

Motion by: P. Reading
to accept the 30-day extension to November 12, 2015 to continue the Public Hearing.
Second by: B. Setschinsky
Vote: **Motion carried unanimously**

Motion by: P. Reading
to continue the Public Hearing on ZBA#15-002 to the next regularly scheduled meeting on October 20, 2015.
Second by: B. Setschinsky
Vote: **Motion carried unanimously**

4. PENDING APPLICATIONS

- A. ZBA#15-002, Ann and Robert J. Craig, Applicant/Owner, for property located at 135 Woodbine Rd., Assessor's Tax Map # 01-11, Lot #009-041A located in the Rural Zone. Applicant is requesting a 11' variance to §3.4.4. Building setback requirement for the purpose of constructing a 14 x 28 foot deck. (Public Hearing opened on 9/8/2015)

No action taken as the Public Hearing was continued to the October 20, 2015 meeting.

5. Minutes of Previous Meeting – Minutes Regular January 20, 2015

Motion by: B. Setschinsky
to approve the minutes of the January 20, 2015 Regular meeting as written.
Second by: P. Reading
Vote: **Motion carried unanimously**

6. Applications Received: - None

7. Old Business – None

8. New Business/Applications Received

A. Review of the Schedule of meetings for 2016

Motion by: P. Reading
to approve the Zoning Board of Appeals Schedule of meetings for 2016 as provided.
Second by: M. Solis
Vote: **Motion carried unanimously**

9. Zoning Enforcement Officer's Report - None

10. Correspondence -- None

11. Adjournment

Motion by: B. Setschinsky
to adjourn the meeting at 8:08 p.m.
Second by: P. Reading
Vote: **Motion carried unanimously**