

Zoning Board of Appeals
October 20, 2015 – Meeting Minutes
Town Hall – Room 1

MEMBERS PRESENT: Chairman Laurie Robinson; Patrick Reading, Michael Solis, Jason Radachy;
and Bob Setschinsky; Stan Soby, Board of Selectmen Liaison

Staff: Randy Benson, Assistant Planner/Zoning Enforcement Officer, Gail Therian, Clerk

MEMBERS ABSENT –

1. **CALL MEETING TO ORDER.**

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

2. **ADDITIONS TO AGENDA - None**

3. **PUBLIC HEARINGS -**

- 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 and closed on 10/20/15;)

J. Radachy stated that he listened to the audio portion of the September 8, 2015 meeting that he missed and has signed an affidavit stating that he feels comfortable voting on this application.

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 stated that the voting members for this evening on this application were: L. Robinson, P. Reading, B. Setschinsky, M. Solis and J. Radachy.

The Board reviewed the additions to the record since the last meeting which included a cancelled check to the contractor who built the deck. The check was dated May 21, 2015 (Item R). A copy of an email regarding the deck plans had also been submitted (Item S). This was dated April 11, 2008.

Randy Benson, Assistant Planner/Zoning Enforcement Officer reviewed the Memorandum from Shipman and Goodwin regarding the three year statute of limitations provided by General Statutes regarding the pre-existing non conforming structures and the three year time period. Discussion followed.

Motion by: P. Reading
to close the Public Hearing on ZBA#15-002.

Second by: M. Solsky

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' continued and closed to 10/20/15)

Discussion was held regarding the Memorandum from Shipman and Goodwin regarding the three year statute of limitations provided by General Statutes regarding the pre-existing non conforming structures.

RECEIVED
CALCHESTER, CT
2015 OCT 21 PM 4:06
SHIPMAN
GAIL THERIAN
TOWN CLERK

Motion by: P. Reading
To DENY on ZBA Application #15-002, for property located at 135 Woodbine Road, Assessors Map 01-11, Lot #009-41A, RU Zone, for a variance to Section 3.4.4. of 11.0 feet to the side yard setback requirement of 25 feet for the following reason:

Based on the evidence and testimony received at the Public Hearings it has been determined that the subject deck encroachment has been in existence for at least 3 years and no civil action has been taken to enforce the setback requirement as required and therefore the subject encroachment is considered and protected as a non-conforming structure per §8-13a and §8-2 of the CGS to the extent shown on Exhibit Item M, the property card from the Assessor's office including the re-val information dated September 8, 2015.

A copy of Item M, the Tax Assessor's Card will be attached to the minutes.

Second by: B. Setschinsky;

5. **Minutes of Previous Meeting** – Minutes Regular September 8, 2015

Motion by: M. Solis
to approve the minutes of the September 8, 2015 Regular meeting as shown.

Second by: P. Reading

Vote: Abstentions: J. Radachy All others in favor **Motion carried unanimously**

6. **Applications Received:** - None

7. **Old Business** – None

8. **New Business/Applications Received** - None

9. **Zoning Enforcement Officer's Report** -

Board members reviewed the September 2015 Zoning Enforcement Officer's report.

10. **Correspondence** –

Chairman Robinson noted that the approved 2016 meeting schedule was included the Board Members packets.

Chairman Robinson said that she hopes to attend the "Land Use Academy Basic Training", to be held in Lebanon on Tuesday, November 10 and November 17, 2015.

Chairman Robinson asked that a discussion of the document "Verrillo v. Zoning Board of Appeals of the Town of Branford" be added to the next agenda. She asked the Board members to review this document before the next meeting.

11. **Adjournment**

Motion by: B. Setschinsky
to adjourn the meeting at 7:52 p.m.

Second by: P. Reading

Vote: **Motion carried unanimously**

Gail N. Therian, Clerk

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	DESCRIPTION	CURRENT ASSESSMENT	ASSESSED VALUE
CRAIG JR ROBERT JERALD + ANN M					RES LAND	1-1	97,100
135 WOODBINE RD					RES EXCES	1-2	1,600
COLCHESTER, CT 06415					DWELLING	1-3	191,800
Additional Owners:							68,000
							1,100
							134,300
Other ID: Card Num Exempt Addnl Lots							6028
Keyed Unit # Reviewer MP							COLCHESTER, CT
GIS ID: 01-11/009-41A ASSOC PID#							VISION

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/yr	V/I	SALE PRICE	V.C.	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
CRAIG JR ROBERT JERALD + ANN M	9621194	05/29/2007	U	1	325,000	14	2010	1-1	69,700	2010	1-1	69,700
HOUSEHOLD REALTY CORPORATION	9371048	11/27/2006	U	1	0	18	2010	1-2	1,100	2010	1-2	1,100
KING PAMELA A	6021209	12/21/2001	U	1	262,450	00	2010	1-3	164,400	2010	1-3	164,400
PELLLETIER DEVELOPMENT CO LLC	6021207	12/21/2001	U	1	50,000	00	2010					
SWETBRIAR LLC	0534/0002	06/16/2000	U	1	0	0						
HAYWARD WEST LLC	0475/0450	09/01/1998	U	1	0	0						
TOTAL:									235,200			235,200

EXEMPTIONS	DESCRIPTION	AMOUNT	CODE	DESCRIPTION	NUMBER	AMOUNT	COMM. INT.
NBHD/SUB	NBHD Name			Tracing			
0080/A							
TOTAL:							235,200

OTHER ASSESSMENTS	DESCRIPTION	NUMBER	AMOUNT	COMM. INT.
ASSESSING NEIGHBORHOOD				
Appraised Bldg. Value (Card)				
Appraised XF (B) Value (Bldg)				
Appraised OB (L) Value (Bldg)				
Appraised Land Value (Bldg)				
Special Land Value				
Total Appraised Parcel Value				
Valuation Method:				
Adjustment:				
Net Total Appraised Parcel Value				

BUILDING PERMIT RECORD	PERMIT ID	ISSUE DATE	TYPE	DESCRIPTION	AMOUNT	ISSUE DATE	% COMP.	DATE COMP.	COMMENTS	DATE	TYPE	IS	ID	CD	PURPOSE/RESULT
	17725	04/02/2013	RS	Residential	3,400	10/16/2013	100		WOODSTOVE	02/14/2012			BL	21	Review
	019325	11/16/2001	RS	Residential	0		100			08/04/2011			RML	19	Data Mailer Confirmation
	9325	08/01/2001	NC	New Construct	90,000	09/26/2001	100		SFD	10/23/2002			JC	01	Measured
										09/26/2001			MP	05	Under Construction
										03/28/2001			DW	00	Measur + Listed

LAND LINE VALUATION SECTION																	
B Use	Code	Description	Zone	D	Front	Depth	Units	Unit Price	Factor	S.A.	Acre	Disc	Factor	ST.	Adj.	Notes	Adj.
1	1010	Single Fam	R40				0.92	AC	80,000.00	1.0557	5	1.0000	1.00	0080	1.25		
1	1010	Single Fam	R40				1.17	AC	1,400.00	1.0000	0	1.0000	1.00	0.00			
Total Card Land Units:																	
2.09 AC																	
Parcel Total Land Area: 2.09 AC																	
Total Land Value:																	
98,700																	

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	03		Colonial				
Model	01		Residential				
Grade	04		C+				
Stories	2		2 Stories				
Occupancy	1						
Exterior Wall 1	25		Vinyl Siding				
Exterior Wall 2							
Roof Structure	03		Gable				
Roof Cover	03		Asphalt				
Interior Wall 1	05		Drywall				
Interior Wall 2							
Interior Flr 1	11		Ceram Clay Til				
Interior Flr 2	12		Hardwood				
Heat Fuel	02		Oil				
Heat Type	05		Hot Water				
AC Type	03		Central				
Total Bedrooms	03		3 Bedrooms				
Total Bathms	2						
Total Half Baths	1						
Total Xtra Fixts							
Total Rooms	6		6 Rooms				
Bath Style	03		Modern				
Kitchen Style	03		Modern				

OB-OUTBUILDING & YARD ITEMS(D) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descrip	L/B Units	Unit Price	Yr	Gde	Dp Rr	Ord	%Crtd	Apr Value
FPL3	Fpl 2ST Chlm			B	3,000.00	2003		1		100	2,800

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value
BAS	First Floor	956	956			82,920
FGR	Garage	0	504			17,521
FUS	Upper Story, Finished	956	956			82,920
UBM	Basement, Unfinished	0	956			16,567
WD2	Composite Deck	0	358			5,551
Ttl. Gross Liv/Lense Area:		1,912	3,730		2,369	

