

**ZONING BOARD OF APPEALS
OCTOBER 25, 2007
TOWN COUNCIL CHAMBERS**

**TOWN OF EAST HARTFORD
740 MAIN STREET
EAST HARTFORD, CT 06108**



REGULAR MEETING

A Regular Session of the East Hartford Zoning Board of Appeals was called to order by Chairman Richard Torpey at 7:35 p.m. on Thursday, October 25, 2007 in the Town Council Chambers, 740 Main Street, East Hartford, Connecticut.

PRESENT: Chairman Richard Torpey, Terry Kitchen, James McElroy, Tom Rup, Alternate Lucien Plante.

Also present: Bonnie Nichols, Director/Inspections and Permits.

ABSENT: Richard Begley, Alternate Randall Newbury.

I. Chairman – Call to Order

Chairman Torpey began the meeting with the Pledge of Allegiance and a reminder to the audience of the Fire Exits.

Chairman Torpey appointed Lucien Plante as a voting member in the absence of Richard Begley.

II. HEARING OF ITEMS TO COME BEFORE THE BOARD; CALL OF ITEMS.

1. Donna and Steve Henry, **77 Timothy Road**, Are appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-4)**
2. James W. Shelmerdine Jr., **793 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**
3. Jeanne Lombardo, **721 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**
4. Joseph and Nancy Dionne, **59 Sunnydale Road**, Are appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-3)**
5. Marc Clancy, **8 Matthew Road**, Is appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**

RECESS – 10 minutes

III: HEARINGS DISCUSSION AND BOARD DECISIONS:

1. Donna and Steve Henry, **77 Timothy Road**, Are appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-4)**

James McElroy shared a concern with the Commissioners in reference to this issue before for Zoning Board of Appeals. This has been an ongoing issue over the past few years with residents appealing the order from the Zoning Enforcement Official. The question needing an answer: Is a fabric membrane structure a canopy? and Is a canopy considered an awning.

Tom Rup made a motion to uphold the order of the Zoning Enforcement Official. Seconded by Lucien Plante.

James McElroy made a motion to postpone all appeals until a legal opinion is received from Corporation Counsel before rendering a decision. This will be done prior to the next ZBA meeting, November 29, 2007, which is a regularly scheduled meeting. Seconded by Terry Kitchen.

Lucien Plante submitted an amendment to James McElroy’s motion. The amendment stated the following addresses: 77 Timothy Road; 793 Burnham Street; 59 Sunnydale Road and 8 Matthew Road. Seconded by James McElroy.

Approved 4:1 (nay, Chairman Torpey)

2. James W. Shelmerdine Jr., **793 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**
3. Jeanne Lombardo, **721 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**

Terry Kitchen made a motion to postpone the hearing for 721 Burnham Street without prejudice until the November 29, 2007 meeting. Seconded by Tom Rup.

Approved 5:0

4. Joseph and Nancy Dionne, **59 Sunnydale Road**, Are appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-3)**
5. Marc Clancy, **8 Matthew Road**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2)**

James McElroy made a motion to have a letter sent to Corporation Counsel asking guidance on the issue of the appeals. He is further requesting a legal opinion on the status of structure as defined in the Zoning Regulations. Information needed concerning ongoing litigation in the recent past. A legal interpretation of this ordinance is needed to disallow property owners to use this type of structure on their property. Seconded by Lucien Plante.

Approved 5:0

IV. OLD BUSINESS
None

IV: NEW BUSINESS
None

V: MISCELLANEOUS
A. 2008 ZBA calendar schedule

Motion by James McElroy to approve the 2008 ZBA Calendar as distributed. Seconded by Terry Kitchen. Unanimous.

VI: APPROVAL OF ZBA MINUTES FOR:
A. September 27, 2007
Terry Kitchen made a motion to approve the minutes of September 27, 2007 as distributed. Seconded by Chairman Torpey. Unanimous.

VII: PAYMENT OF BILLS
ZBA Clerk
Motion made by Terry Kitchen to approve payment to the ZBA clerk. Seconded by Lucien Plante. Unanimous.

VIII: ADJOURNMENT
There being no further business a motion was made by Terry Kitchen adjourn the meeting at 8:58 p.m. Seconded by Tom Rup. Voted unanimously.

The next regular meeting of the Zoning Board of Appeals is scheduled on Thursday, November 29, 2007 at 7:30 p.m. in the Town Hall Council Chambers.

Respectfully submitted,

Theresa Godreau