

Town of Enfield
Zoning Board of Adjustment
Ed Scovner, Chairman
December 8, 2015

PRESENT: Ed Scovner-Chairman, Tim Lenihan Vice Chairman, Cecelia Aufiero, Mike Diehn, Kurt Gotthardt-Alternate, Phil Neily-ZBA Administrator, and Paula Rowe Recorder.

Guests: James Bonner, Nancy Scovner, Mark Yeager, Richard Heck, JoEllen Courtney, Maurice Vanderpot, Steve Patten, Emily Curtis, Gerald Giovagnoli, Andy Stearns, Louis and Jeanett Russo.

Call to Order: Chairman Scovner called the meeting to order at 7 p.m.

Approve Minutes of November 10, 2015:

Mike Diehn was excused from the November 10, 2015 – so noted. 3rd paragraph under Public Hearings.

Celie Aufiero made a motion to accept the minutes with noted corrections, Tim Lenihan second this and passed unanimously.

Public Hearings:

- I. Shawn and Francine Heelan are appealing the decision of the Enfield Zoning Board of Adjustment as allowed by Section 506 of the Town of Enfield Zoning Ordinance. The hearing number being appealed is Z15-10-02, which was held October 13, 2015. Hearing # Z15-12-02

Chairman Scovner read correspondence from David and Laurie Albert dated December 7, 2015 aloud to the Board and public. The letter expresses Mr. and Mrs. Albert's opinion of property impact should this be approved. (Letter in hearing file.)

Mr. and Mrs. Heelan or representative were not present. Mike Diehn felt the appeal should be denied. Celie asked how many garages would be on this lot. Zoning Admin Neily explained the two garages location.

Mike Diehn moved to deny the appeal of Mr. and Mrs. Heelan of the ZBA decision in case #Z15-10-02 based on the fact the applicants did not appear and did not present sufficient evidence, in writing, to establish their assertion that the Yeager's new garage would reduce their property value. Tim Lenihan second this. All five board members present were in favor of denying the appeal.

- II. Gerald P. Giovagnoli is requesting a Variance from Article IV, Section 401.1, Subsection L. of the Town of Enfield Zoning Ordinance. He wishes to construct a garage within the required 15 foot setback from the side property line. The property is located at 15 Lake Street, Map 34, Lot 5 in the Residential 1 (R1) Zoning District. Hearing #Z15-12-04

Board member Tim Lenihan recued himself from this hearing due to a conflict.

Mike Diehn read aloud correspondence dated December 4, 2015 from Daniel & Emily Curtis. They are requesting a delay of 45 days in the proceedings due to Mr. Curtis serving in the Middle East. (Letter in hearing file.)

Zoning Admin Neily pointed out that this request for a variance is about the setback from the property line. The house conversion permit to a duplex has been given and DPW has granted the driveway. A second permit will be required for the garage once a decision has been made to it's location.

Chairman Scovner discussed with the board that they can delay this for 45 days. The applicant could request this, but not the general public.

Mr. Giovagnoli presented his plans for a duplex and garage on this property that he owns which is currently a single family dwelling.

Steve Patten spoke and feels that Mr Curtis, who is serving in the Middle East, should be given the chance to speak and the 45 days delay granted. Emily Curtis spoke and expressed that she and her husband would like an opportunity to sit down and talk about the renovation of this property becoming an apartment complex. She does not want Mr. Giovagnoli's plans to infringe on her property.

Mr. Giovagnoli spoke. He said he would like to withdraw this variance and asked the Zoning Administrator if he could build without the need for a variance if he was outside the 15 foot setback. Neily explained that this is located in the R1 district and if all setbacks were met, with a Building Permit, work could begin. Mr. Giovagnoli said he could make this work with or without a garage, and does not want to upset the neighbors.

Based on input from this hearing, Mr. Giovagnoli respectfully requested delaying this hearing for 45 days. After further discussion he amended his request and wants to move forward with his variance hearing this evening.

The neighbor on the other side of the property – Sharon Stearns ,informed that the property already looks better than it ever has with the clean- up efforts of the property owner.

Chairman Scovner read the criteria that must be met for this variance:

Contrary to the public interest: Celie yes, Kurt yes, Mike no, Ed yes.

Spirit of the Ordinance is Observed: Celie no, it is a safety reason (fire), Kurt agreed with Celie and noted setback, Mike yes, Ed no

Substantial Justice: Celie no, Kurt no, Mike yes, Ed no

Value of properties diminished: Celie yes, Kurt no, Mike no, Ed yes

Literal enforcement creating hardship: Ed yes, Celie no, Kurt no, Mike no.

Mike Diehn moved to deny the request for the variance based on: safety reason (fire), locating the garage within setback would be contrary to the public interest, diminishing of surrounding property values, the applicant has not proven hardship. The applicant himself volunteered alternate plans if the variance was not approved. The board voted to deny this request for a variance unanimously.

Tim Lenihan made a motion to appoint John Pellerin an alternate on the Zoning Board of Adjustment for a 3 year term, Mike Diehn second this. All board members voted in favor.

Motion to adjourn, all in favor.