



# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING JANUARY 16, 2014

### CANCELLATION NOTICE

Due to lack of business there will be no meeting, January 16, 2014.

Respectfully submitted,

*Judith Kelly*

Judith Kelly, Chairman



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING FEBRUARY 20, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:33 PM.

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, and Margaret Miner

Alternate Present: Ed Cady, and Nancy Schoenholtz

Others Present: Milton Perkins, Brian Duda, and Gary Coburn

Alternate Cady recused himself. Alternate Schoenholtz was seated as a regular member.

#### READ LEGAL NOTICE INTO THE RECORD

Chairperson Judith Kelly read the legal notice of this public hearing for the record.

The receipts of notice of this hearing were submitted for the file.

#### NEW BUSINESS

Edwin Cady Sr., Edwin Cady Jr, Milton Perkins, Case File ZP-2014-0051 variance to demo a single family house and rebuild, increasing the footprint by 25% for property located at 18 Botsford Hill Rd. Assessor's map 7 Lot 38. Ref: Zoning regulation 3.10.4.

The memo dated 2/20/14 from the ZEO, Gary Coburn, was read by the Board. Mr. Perkins came forward and submitted photos of the 3 bay garage and apartment that currently sits on the property within the regulated area. He explained that the initial plan was to demolish this building and rebuild a home set on the property in compliance with Zoning setbacks. However, the Land Trust, who holds the conservation easement for this property, denied this request. Mr. Perkins stated that the Land Trust's denial of this request is the hardship.

The current application is to demolish the existing building and rebuild it on the existing nonconforming footprint. A rendering of the proposed building was provided. The current footprint is 1080 square feet and the new proposal adds an additional 252 square feet to the footprint, which is within the allowable 25% increase.

#### PUBLIC COMMENTS

Chairperson Kelly looked for comments from the public.

Brian Duda came forward as a representative of the Land Trust. He explained that the Land Trust holds the conservation easement on this property and cannot substantiate changes to the easement without a ruling of denial by this Board.

Nanette Falkenberg noted that the ZBA should review this application on its merits regardless of what is happening with the Land Trust. The ZBA has previously approved an expansion of a nonconformance; however, has never approved a demo and rebuild with a change of use. It is not a good precedence to approve a new construction this close to the road.

Karen Kopta raised the question of safety this close to the road.

Chair Kelly looked for further comments. It was noted that there has been no correspondence from the public either in favor or opposed to this proposal.

**CLOSE PUBLIC HEARING**

A motion was made to close the public hearing for Edwin Cady Sr., Edwin Cady Jr, Milton Perkins, Case File ZP-2014-0051 variance to demo a single family house and rebuild, increasing the footprint by 25% for property located at 18 Botsford Hill Rd. Assessor's map 7 Lot 38. Ref: Zoning regulation 3.10.4.

Motion by Margaret Miner. The motion was seconded by Ed Cady and carried unanimously.

**ADJOURNMENT**

A motion was made at 7:55 PM to adjourn. Motion by Nancy Schoenholtz. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals.*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING FEBRUARY 20, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:56 PM.

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, and Margaret Miner

Alternates Present: Ed Cady, and Nancy Schoenholtz

Others Present: Milton Perkins, Brian Duda, and Gary Coburn

Alternate Cady recused himself. Alternate Schoenholtz was seated as a regular member.

#### APPROVAL OF MINUTES

Regular Meeting - December 19, 2013

A motion was made to approve the minutes of the 12/19/13 Meeting. Motion by Karen Kopta. The motion was seconded by Nanette Falkenberg and carried unanimously.

#### NEW BUSINESS

Edwin Cady Sr., Edwin Cady, Jr, Milton Perkins, 18 Botsford Hill Rd, Assessors map 7 lot 38. Variance to demo single family house and rebuild, increasing the footprint by 25%.

Margaret Miner noted that she is opposed to this proposal. She also wanted to clarify that this Board should not make a finding of the conservation easement as a hardship. She explained that conservation easements are good and should not be considered hardships.

Karen Kopta explained that she would vote to deny this request because this change of use would not be a safe distance from the road to be utilized as a residence.

Nancy Schoenholtz agreed with the reasons given for denial. She noted that a total demolish and rebuild as nonconforming is senseless when there is an opportunity to rebuild in a better location.

Nanette Falkenberg commented that one of the ZBA's roles is to reduce, not enhance property within the setback. It would not be a good precedence to permit new construction within the setback.

Judith Kelly agreed that she would be opposed to new construction within a nonconforming area.

A motion was made to deny the application of Edwin Cady Sr., Edwin Cady, Jr, Milton Perkins, 18 Botsford Hill Rd, Assessors map 7 lot 38. Variance to demo single family house and rebuild, increasing the footprint by 25% for the reasons that this would be a nonconforming expansion, new construction within a setback, change of use, and would present a safety hazard. Motion by Margaret Miner. The motion was seconded by Nanette Falkenberg and carried unanimously.

#### ADJOURNMENT

A motion was made at 8:05 PM to adjourn by Margaret Miner. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

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# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING MARCH 20, 2014

### CANCELLATION NOTICE

Due to lack of business there will be no meeting of the Roxbury Zoning Board of Appeals scheduled for March 20, 2014.

Respectfully submitted,  
*Judith Kelly*  
Judith Kelly, Chairman



# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING APRIL 17, 2014

### CANCELLATION NOTICE

Due to lack of applications the April 17, 2014 Zoning Board of Appeals meeting has been canceled. The next regularly scheduled meeting of the Zoning Board of Appeals will be May 15, 2014.

Respectfully submitted,  
*Judith Kelly*  
Judith Kelly, Chairman



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING MAY 15, 2014

### REVISED MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:35 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, Bill Davies and Margaret Miner

Alternates Present: Ed Cady, Nancy Schoenholtz, Harvey Yaverbaum

Others Present: John Galligan, David Beckstrom, Paul Szymanski, Mark Carlson, Victoria Shaw, Tom Seger and ZEO Gary Coburn

#### NEW BUSINESS

David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity

- Read legal notice into the record

Chairperson Judith Kelly read the legal notice of this public hearing for the record. The receipts of notice of this hearing were confirmed as in the file.

David Beckstrom came forward and described the 16 x 24 two story addition totaling 768 square feet that he would like to add to his home to accommodate his growing family. This addition will allow for an additional bedroom and a proper entry to the house. He explained that part of the existing 1700 square feet of living space is underground and not suitable for a bedroom. The hardship is the topography of the site, which will not allow for expansion to accommodate a growing family on this existing nonconforming property.

The Board reviewed the map noting that due to the topography of the site this is the only option for expansion. The proposed addition encroaches no more than the existing house; therefore, will not increase the nonconformity and should have no impact on the neighbors. It was noted that the Plan of Conservation and Development encourages young families.

- Public Comment

Victoria Shaw of 183 River Rd. came forward and questioned the relationship between the driveway / parking and the proposal. It was confirmed that there will be no change to that area and the cars will be parked as currently.

- Close or continue public hearing

A motion was made to close the public hearing for the application of David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 - buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking.

- Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

Paul Szymanski of Arthur Howland came forward and submitted the receipt of notices to abutters of this hearing and reviewed the Site Development Plan dated 3/18/14. Mr. Szymanski reviewed the proposal to change the use of this building in the Commercial District Zone D to a veterinarian office. A modest 4 x 6 addition is being requested for a patron waiting area with a parking area in the rear and a two way traffic driveway. Mr. Szymanski reviewed each section from the regulations for which a variance is being requested. He distributed an aerial map showing the average parcel shape and size in this commercial zone in comparison to the unique size and shape of Mr. Carlson's parcel. He stated this as the hardship.

Paul Szymanski described the proposed parking area for Mr. Cady and explained that this plan works and will be respectful to the neighbors. The proposed parking will be where the currently lawn and chicken coop is located. The chicken coop will be removed.

It was confirmed for Ms. Falkenberg that this will be a veterinary office with no kennel. Dr. Carlson worked with Dr. Elwell for 25 years and now that he is retiring Dr. Carlson cannot stay at this location because Dr. Elwell had a home enterprise. The traffic will be minimal as Dr. Carlson can only see one patient at a time.

Paul Szymanski discussed the infiltration rate for Ms. Miner. He stated that the rate is 1 minute to 1 inch, which will accommodate a 14-16 inch storm event. The driveway criteria have been met for the BOS and DOT.

- Public Comment

Dr. Carlson reported that the neighbors are welcoming to this proposal. The Stuarts have requested that there be no screening between his office and their establishment as to encourage patrons from the veterinary office to visit their business. Mrs. Kelsey is also welcoming and has offered to rent her property for parking if necessary; however, with this plan there will be enough parking with 7 spaces. It was noted that this plan has been informally presented to the Zoning Commission who had a positive response.

- Close or continue public hearing

A motion was made to close the public hearing for the application of Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: requesting a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 -buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

A motion was made to rearrange the agenda to review case file 2014-0060 at this time as case file 2014-0061 is expected to be a more complex and lengthy review. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

- Read legal notice into the record

John Galligan came forward to represent Catherine Mulberry. Photos of the site were distributed. He explained that Ms. Mulberry's original plan was to replace the existing barn with a prefabricated building. However, he has advised that he can rebuild the barn for Ms. Mulberry. At this time Ms. Mulberry does not have all the information regarding a rebuild; therefore, has not yet made a decision. She should have this information within one week. Mr. Galligan requested and the Board agreed that this public hearing be continued to allow Ms. Mulberry time to determine whether this application shall go forward or whether a new or amended application shall be submitted.

- Public Comment

N/A



- Close or continue public hearing

A motion was made to continue the public hearing of Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3. Motion by Bill Davies, seconded by Margaret Miner and carried unanimously.

Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4.

- Read legal notice into the record

Chairperson Kelly read the legal notice for the record. Tom Seger of Design Tech. came forward and submitted the notices to the abutters for the file.

Mr. Seger reviewed a map entitled Proposed Improvement Location Map dated 5/30/13 from Arthur Howland. He explained that they are seeking a variance for an 8 x 12 addition with a portion encroaching on the setback to a pre-existing nonconforming building. Additionally, an addition to this nonconforming building is being requested which does not encroach upon the setback.

Three residences exist on this property and a milk-shed:

- #161- current primary residence - no proposed change at this time
- #167 - proposed primary residence and current application
- #171 - unoccupied
- Milk-shed - to be repaired within the existing footprint.

All three residences are on parcel A, which is 4.7 acres. Parcel B consists of 4.5 acres.

Bill Davies questioned whether, once approved, if other residences will be allowed to become rental properties. Nanette Falkenberg inquired when the buildings began being taxed as residences. Margaret Miner questioned whether this should be reviewed by Zoning under the new barn preservation regulations.

Nanette Falkenberg noted that she would like answers to the questions as to when the buildings were taxed as residences and possible rental opportunities. It was noted that the unanswered questions potentially have implications on future decision regarding applications to come before this Board.

Mr. Seger confirmed that this application is only asking for the approval of #167 and the applicant will return if further variances are needed. The proposal is an 8x12 addition, a change in height of the roof merely for insulation, which will not exceed the allowable 40 feet, and a dormer that is needed for the loft bedroom, which has no means of egress. This application will make #167 the primary residence on this property.

It was clarified that the addition that does not encroach on the setback also requires a variance because the building is nonconforming. It was noted that 96 sq. feet are proposed to be added for the entrance and 128 square feet are to be added for the 2 story addition. 1/3 of the 8x12 addition is within the setback.

The hardship was stated as this is a historic barn that has been a residence, and has pre-existing nonconformities. The work is required for health and safety reasons.

- Public Comment

Judith Kelly looked for comments from the public. There was no one present who wished to comment.

- Close or continue public hearing

A motion was made to close the public hearing for the application of Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations as well as repairs to the adjoining Milk Shed, Ref: Zoning regulation 3.10.4. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

**ADJOURNMENT**

A motion was made at 9:01 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Tai Kern*

Tai Kern, Secretary

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Zoning Board of Appeals

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## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING MAY 15, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:35 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, Bill Davies and Margaret Miner

Alternates Present: Ed Cady, Nancy Schoenholtz, Harvey Yaverbaum

Others Present: John Galligan, David Beckstrom, Paul Szymanski, Mark Carlson, Victoria Shaw, Tom Seger and ZEO Gary Coburn

#### NEW BUSINESS

David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity.

Read legal notice into the record

Chairperson Judith Kelly read the legal notice of this public hearing for the record. The receipts of notice of this hearing were confirmed as in the file.

David Beckstrom came forward and described the 16 x 24 two story addition totaling 768 square feet that he would like to add to his home to accommodate his growing family. This addition will allow for an additional bedroom and a proper entry to the house. He explained that part of the existing 1700 square feet of living space is underground and not suitable for a bedroom. The hardship is the topography of the site, which will not allow for expansion to accommodate a growing family on this existing nonconforming property.

The Board reviewed the map noting that due to the topography of the site this is the only option for expansion. The proposed addition encroaches no more than the existing house; therefore, will not increase the nonconformity and should have no impact on the neighbors. It was noted that the Plan of Conservation and Development encourages young families.

#### Public Comment

Victoria Shaw of 183 River Rd. came forward and questioned the relationship between the driveway / parking and the proposal. It was confirmed that there will be no change to that area and the cars will be parked as currently.

#### Close or continue public hearing

A motion was made to close the public hearing for the application of David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 - buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking.

Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

Paul Szymanski of Arthur Howland came forward and submitted the receipt of notices to abutters of this hearing and reviewed the Site Development Plan dated 3/18/14. Mr. Szymanski reviewed the proposal to change the use of this building in the Commercial District Zone D to a veterinarian office. A modest 4 x 6 addition is being requested for a patron waiting area with a parking area in the rear and a two way traffic driveway. Mr. Szymanski reviewed each section from the regulations for which a variance is being requested. He distributed an aerial map showing the average parcel shape and size in this commercial zone in comparison to the unique size and shape of Mr. Carlson's parcel. He stated this as the hardship.

Paul Szymanski described the proposed parking area for Mr. Cady and explained that this plan works and will be respectful to the neighbors. The proposed parking will be where the currently lawn and chicken coop is located. The chicken coop will be removed.

It was confirmed for Ms. Falkenberg that this will be a veterinary office with no kennel. Dr. Carlson worked with Dr. Elwell for 25 years and now that he is retiring Dr. Carlson cannot stay at this location because Dr. Elwell had a home enterprise. The traffic will be minimal as Dr. Carlson can only see one patient at a time.

Paul Szymanski discussed the infiltration rate for Ms. Miner. He stated that the rate is 1 minute to 1 inch, which will accommodate a 14-16 inch storm event. The driveway criteria has been met for the BOS and DOT.

#### Public Comment

Mr. Carlson reported that the neighbors are welcoming to this proposal. The Stuarts have requested that there be no screening between his office and their establishment as to encourage patrons from the veterinary office to visit their business. The Kelseys are also welcoming and have offered to rent their property for parking if necessary; however, with this plan there will be enough parking with 7 spaces. It was noted that this plan has been informally presented to the Zoning Commission who had a positive response.

#### Close or continue public hearing

A motion was made to close the public hearing for the application of Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 -buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

A motion was made to rearrange the agenda to review case file 2014-0060 at this time as case file 2014-0061 is expected to be a more complex and lengthy review. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

#### Read legal notice into the record

John Galligan came forward to represent Catherine Mulberry. Photos of the site were distributed. He explained that Ms. Mulberry's original plan was to replace the existing barn with a prefabricated building. However, he has advised that he can rebuild the barn for Ms. Mulberry. At this time Ms. Mulberry does not have all the information regarding a rebuild; therefore, has not yet made a decision. She should have this information within one week. Mr. Galligan requested and the Board agreed that this public hearing be continued to allow Ms. Mulberry time to determine whether this application shall go forward or whether a new or amended application shall be submitted.

#### Public Comment

N/A

#### Close or continue public hearing

A motion was made to continue the public hearing of Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3. Motion by Bill Davies, seconded by Margaret Miner and carried unanimously.

Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4.

Read legal notice into the record

Chairperson Kelly read the legal notice for the record. Tom Seger of Design Tech. came forward and submitted the notices to the abutters for the file.

Mr. Seger reviewed a map entitled Proposed Improvement Location Map dated 5/30/13 from Howland. He explained that they are seeking a variance for an 8 x 12 addition with a portion encroaching on the setback to a pre-existing nonconforming building. Additionally, an addition to this nonconforming building is being requested which does not encroach upon the setback.

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All three residences are on parcel A, which is 4.7 acres. Parcel B consists of 4.5 acres.

Bill Davies questioned whether, once approved, if other residences will be allowed to become rental properties. Nanette Falkenberg inquired when the buildings began being taxed as residences. Margaret Miner questioned whether this should be reviewed by Zoning under the new barn preservation regulations.

Nanette Falkenberg noted that she would like answers to the questions as to when the buildings were taxed as residences and possible rental opportunities. It was noted that the unanswered questions potentially have implications on future decision regarding applications to come before this Board.

Mr. Seger confirmed that this application is only asking for the approval of #167 and the applicant will return if further variances are needed. The proposal is an 8x12 addition, a change in height of the roof merely for insulation, which will not exceed the allowable 40 feet, and a dormer that is needed for the loft bedroom, which has no means of egress. This application will make #167 the primary residence on this property.

It was clarified that the addition that does not encroach on the setback also requires a variance because the building is nonconforming. It was noted that 96 sq. feet are proposed to be added for the entrance and 128 square feet are to be added for the 2 story addition. 1/3 of the 8x12 addition is within the setback.

The hardship was stated as this is a historic barn that has been a residence, which is has pre-existing nonconformities. The work is required for health and safety reasons.

Public Comment

Judith Kelly looked for comments from the public. There was no one present who wished to comment.

Close or continue public hearing

A motion was made to close the public hearing for the application of Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

#### **ADJOURNMENT**

A motion was made at 9:01 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Tai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals.*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING MAY 15, 2014

### REVISED MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 9:03 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, Bill Davies and Margaret Miner.

Alternates Present: Nancy Schoenholtz, Harvey Yaverbaum

Others Present: Paul Szymanski, Tom Seger and ZEO Gary Coburn

#### APPROVAL OF MINUTES

##### Regular Meeting – February 20, 2014

A motion was made to approve the minutes of the 2/20/14 Regular Meeting. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

##### Public Hearing – February 20, 2014

The words "cannot substantiate" should be changed to "would not" with regard to Brian Duda's comments.

A motion was made to approve the minutes of the 2/20/14 Public Hearing as amended. Motion by Margaret Miner. The motion was seconded by Nanette Falkenberg and carried unanimously.

#### NEW BUSINESS

David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity.

The Board discussed the hardship and agreed that the underground portion of this home may be unhealthy for a bedroom. Bill Davies noted that he is familiar with the property and agreed that the topography is difficult. He would be in favor of approval. The owners have the right to use their property to the best of their ability. The addition is on the backside and there are no other options. Margaret Miner agreed and added that the proposed addition is in proportion with the house. It was noted that the neighbors did not present objections.

A motion was made to approve the application of David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity with the hardship of topography. The land limits options, this is a reasonable request and family growth is encouraged in the Town of Roxbury. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Nanette Falkenberg voted in favor due to the topographic hardship. She feels that this is a good addition to the neighborhood, which does not infringe on the neighbors. The Town would like to encourage young families.

Karen Kopta voted in favor for reasons stated and noted that the topography limits the applicants' options of adding on elsewhere.

Bill Davies voted in favor noting that this is a reasonable request. The addition requested is needed and is not excessive.

Margaret Miner voted in favor and agreed that the topography is a hardship. There is no other place to make this reasonable extension of living.

Judith Kelly voted in favor and agreed with the reasons given. She added that it is in accordance with the Plan of Conservation and Development to do the most we can to encourage young families to remain in Roxbury.

Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 - buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking. Judith Kelly stated that she is in favor of this proposal. Dr. Carlson has been a veterinarian for this town for 25 years and is only relocating because it is necessary due to Dr. Elwell's retirement. It benefits the town to retain this resource. She agrees that the size of this lot within the commercial district is the hardship.

Margaret Miner noted that she is in favor of this plan because the commercial district has been underused, the neighbors are in favor and every effort has been made to present an environmentally sound plan.

Nanette Falkenberg is in favor. This is a carefully thought through plan on a difficult property within the commercial district. Dr. Carlson is a valuable resource to the people in this town.

Karen Kopta is in favor for all the aforementioned reasons.

Bill Davies is in favor for the reasons mentioned and noted that businesses are needed in the business district. This is a well-planned proposal.

A motion was made to approve the application of Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 - buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking with the hardship being the size of the lot. The commercial district has been underused, the neighbors are in favor and every effort has been made to present an environmentally sound plan. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4.

It was noted that this application is for #167 only and the hardship is for safety and egress. The proposed mudroom and dormer are for safety issues and the roof proposal will improve code compliance. The two story addition is outside the setback and replaces where the woodshed was located.

Bill Davies noted that he does not see the size of the addition as a problem. This is a small addition and to keep the historic nature of Roxbury, repairs should be encouraged.

Margaret Miner commented that a small portion of the proposal extends into the setback. Most of the construction is adding height.

Nanette Falkenberg explained that although technically this meets qualifications, the property is directly on the roadside and this will increase the appearance of density, which is not in accordance with the spirit of the setback regulations.

Margaret Miner is in favor of this proposal. She agrees with Bill Davies statements that this is a small addition and to keep the historic nature of Roxbury, repairs should be encouraged. The proposal is mostly essential for the primary residence.

Nanette Falkenberg is in favor for reasons given. She clarified that this approval shall be for #167 only, which is understood to be the primary residence. This approval may have implications on the other buildings on this lot.

Karen Kopta is in favor for the reasons previously given. She noted that the proposed addition of space is not substantial.

Judith Kelly is in favor for the reasons stated. The approval shall be contingent upon the receipt of the Health and Septic approvals for the ZBA's records.

A motion was made to approve the application for additions /alterations of Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road as well as repairs to the adjoining Milk Shed. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4 with the hardship being safety and egress. This approval is for #167, which is understood to be the primary residence. This decision may have implications on future requests regarding other buildings on this lot. Approval shall be pending the submission of Health and Septic approval for the ZBA's records. Motion by Bill Davies. The motion was seconded by Nanette Falkenberg and carried unanimously.

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

It was noted that the public hearing for this application has been continued.

#### **ADJOURNMENT**

A motion was made at 10:00 PM to adjourn. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*





# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING MAY 15, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 9:03 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Karen Kopta, Bill Davies and Margaret Miner.

Alternates Present: Nancy Schoenholtz, Harvey Yaverbaum

Others Present: Paul Szymanski, Tom Seger and ZEO Gary Coburn

#### APPROVAL OF MINUTES

##### February 20, 2014 Public Hearing and Regular Meeting

Regular Meeting: A motion was made to approve the minutes of the 2/20/14 Regular Meeting. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Public Hearing: The words "cannot substantiate" should be changed to "would not" with regard to Brian Duda's comments.

A motion was made to approve the minutes of the 2/20/14 Public Hearing as amended. Motion by Margaret Miner. The motion was seconded by Nanette Falkenberg and carried unanimously.

#### NEW BUSINESS

David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity.

The Board discussed the hardship and agreed that the underground portion of this home may be unhealthy for a bedroom. Bill Davies noted that he is familiar with the property and agreed that the topography is difficult. He would be in favor of approval. The owners have the right to use their property to the best of their ability. The addition is on the backside and there are no other options. Margaret Miner agreed and added that the proposed addition is in proportion with the house. It was noted that the neighbors did not present objections.

A motion was made to approve the application of David Beckstrom and Jennifer Baldwin, Assessors Map 15 Lot 007, located at 201 River Road. Case file 2014-0058, for a variance for an addition. Ref: Zoning regulation 3.10.4, non-conformity with the hardship of topography. The land limits options, this is a reasonable request and family growth is encouraged in the Town of Roxbury. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Nanette Falkenberg voted in favor due to the topographic hardship. She feels that this is a good addition to the neighborhood, which does not infringe on the neighbors. The Town would like to encourage young families.

Karen Kopta voted in favor for reasons stated and noted that the topography limits the applicants' options of adding on elsewhere.

Bill Davies voted in favor noting that this is a reasonable request. The addition needed is being requested and is not excessive.

Margaret Miner voted in favor and agreed that the topography is a hardship. There is no other place to make this reasonable extension of living.

Judith Kelly voted in favor and agreed with the reasons given. She added that it is in accordance with the Plan of Conservation and Development of this town that we do the most we can to encourage young families.

Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 - buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking  
Judith Kelly stated that she is in favor of this proposal. Dr. Carlson has been a veterinarian for this town for 25 years and is only relocating because it is necessary due to Dr. Elwell's retirement. It benefits the town to retain this resource. She agrees that the size of this lot within the commercial district is the hardship.

Margaret Miner noted that she is in favor of this plan because the commercial district has been underused, the neighbors are in favor and every effort has been made to present an environmentally sound plan.

Nanette Falkenberg is in favor. This is a carefully thought through plan on a difficult property within the commercial district. Dr. Carlson is a valuable resource to the people in this town.

Karen Kopta is in favor for all the aforementioned reasons.

Bill Davies is in favor for the reasons mentioned and noted that businesses are needed in the business district. This is a well planned proposal.

A motion was made to approve the application of Mark Carlson, Assessors Map 8 Lot 031, located at 156 Baker Road. Case file 2014-0059: For a variance for a change of use, an addition to a non-conforming building and parking. Ref: Zoning regulations 3.1 & 3.10.4 -buildings, 5.3.1c - front and rear setbacks, 5.3.1d - side setbacks, 7.8.7 - two way traffic driveway, 13.3.8c - parking with the hardship being the size of the lot. The commercial district has been underused, the neighbors are in favor and every effort has been made to present an environmentally sound plan. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4.

It was noted that this application is for #167 only and the hardship is for safety and egress. The proposed mudroom and dormer are for safety issues and the roof proposal will improve code compliance. The two story addition is outside the setback and replaces where the woodshed was located.

Bill Davies noted that he does not see the size of the addition as a problem. This is a small addition and to keep the historic nature of Roxbury, repairs should be encouraged.

Margaret Miner commented that a small portion of the proposal extends into the setback. Most of the construction is adding height.

Nanette Falkenberg explained that although technically this meets qualifications, the property is directly on the roadside and this will increase the appearance of density, which is not in accordance with the spirit of the setback regulations.

Margaret Miner is in favor of this proposal. She agrees with Bill Davies statements that this is a small addition and to keep the historic nature of Roxbury, repairs should be encouraged. The proposal is mostly essential for the primary residence.

Nanette Falkenberg is in favor for reasons given. She clarified that this approval shall be for #167 only, which is understood to be the primary residence. This approval may have implications on the other buildings on this lot.

Karen Kopta is in favor for the reasons previously given. She noted that the proposed addition of space is not substantial.

Judith Kelly is in favor for the reasons stated. The approval shall be contingent upon the receipt of the Health and Septic approvals for the ZBA's records.

A motion was made to approve the application of Marc Weisgal, Assessors Map 29 Lot 035, located at 167 Painter Hill Road. Case file 2014-0061, for a variance for additions/alterations. Ref: Zoning regulation 3.10.4 with the hardship being safety and egress. This approval is for #167, which is understood to be the primary residence. This decision may have implications on future requests regarding other buildings on this lot. Approval shall be pending the submission of Health and Septic approval for the ZBA's records. Motion by Bill Davies. The motion was seconded by Nanette Falkenberg and carried unanimously.

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0060, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

It was noted that the public hearing for this application has been continued.

#### **ADJOURNMENT**

A motion was made at 10:00 PM to adjourn. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*



# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING JUNE 19, 2014

### CANCELLATION NOTICE

Due to a lack of business to come before the Roxbury Zoning Board of Appeals, the Regular Meeting scheduled for Thursday, June 19, 2014 has been cancelled.

Respectfully submitted,  
*Jai Kern*  
Tai Kern, Secretary

Cc: Town Clerk  
Zoning Enforcement Officer  
Dated: June 11, 2014



# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING JULY 17, 2014

### CANCELLATION NOTICE

The Roxbury Zoning Board of Appeals Regular Meeting scheduled for Thursday, July 17, 2014 has been cancelled.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

Cc: Town Clerk  
Zoning Enforcement Officer  
Dated: July 8, 2014



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING AUGUST 21, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:31 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, and Karen Kopta.

Alternates Present: Ed Cady and Nancy Schoenholtz

Others Present: Catherine Mulberry, Linda Richel, and Robert Horrigan Jr.

Alternates Ed Cady and Nancy Schoenholtz were seated as Regular Members.

#### NEW BUSINESS

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0062, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

- Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

Catherine Mulberry and friend, Linda Richel, came forward and submitted certified receipts of the notices to the abutters for the file.

A letter from the Roxbury Historic District Commission was read for the record noting that they have visited the site and confirmed that the historic barn on this property is being preserved. The outbuilding in question for this application may be demolished.

Catherine Mulberry explained that this 18 x 24 barn has been demolished and the applicant would like to place a new building on its footprint. The driveway is to be slightly reconfigured and a new entrance is proposed to be directly in front of the driveway. The barn is to be purchased from the PA Amish; therefore, will be in keeping with the architecture of the house. The barn will be used for parking the car and storage.

- Public Comment

Judith Kelly looked for comments from the public. There was no one present who wished to comment.

It was confirmed for the Board that this application is before them because the lot size is 1.6 acres; therefore, nonconforming.

Ms. Mulberry read the hardship as noted on the application for the group; "Disrepair, unusable for storage as wet. Cannot be used as a garage as not enough space to turn around to enter. Reducing property value. Dangerous leaving car by road all winter. Grading of land incorrect for drainage. Existing foundation needs to be replaced."

- Close or continue public hearing

A motion was made to close the public hearing for the application of Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0062, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3. Motion by Nanette Falkenberg. The motion was seconded by Ed Cady and carried unanimously.

Justin & Logan Ongley, Assessors Map 9 Lot 18, located at 32 Baker Rd. Case file 2014-0063, for a variance to enclose porch and add exterior chimney. Ref: Zoning Regulations 3.10.3 & 3.10.4.

- Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

Robert Horrigan Jr. came forward and it was confirmed that the certified receipts of notices to the abutters are in the file. Mr. Horrigan explained that the owners have outgrown this house and would like to stay in Roxbury. They would like to enclose the 19 x 18 porch to create an extension of the living room with a closet above for the second floor. The 1932 chimney has cracks and is leaking heat against the wood; therefore, as part of this project the chimney will be torn down and a new one with two flues will be built. The current chimney is on a stone foundation and would be difficult to rebuild.

The 1930 lot is nonconforming. This proposal will increase the nonconformity by 2 feet. Sketches of the proposal were viewed.

- Public Comment

Judith Kelly looked for comments from the public. There was no one present who wished to comment.

It was confirmed for the Board that the proposal is to tear down the porch and rebuild on the same footprint and that due to the topography of the site there would be no other location for an addition.

- Close or continue public hearing

A motion was made to close the public hearing for the application of Justin & Logan Ongley, Assessors Map 9 Lot 18, located at 32 Baker Rd. Case file 2014-0063, for a variance to enclose porch and add exterior chimney. Ref: Zoning Regulations 3.10.3

& 3.10.4. Motion by Ed Cady. The motion was seconded by Nanette Falkenberg and carried unanimously.

#### **ADJOURNMENT**

A motion was made at 8:05 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING AUGUST 21, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 8:10 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, and Karen Kopta.

Alternates Present: Ed Cady, and Nancy Schoenholtz.

Alternates Ed Cady and Nancy Schoenholtz were seated as Regular Members.

#### APPROVAL OF MINUTES

##### May 15, 2014 - Regular Meeting

A motion was made to approve the minutes of the 5/15/14 Regular Meeting. Motion by Nanette Falkenberg. The motion was seconded by Ed Cady and carried unanimously.

##### May 15, 2014 - Public Hearing

A motion was made to approve the minutes of the 5/15/14 Public Hearing. Motion by Karen Kopta. The motion was seconded by Nancy Schoenholtz and carried unanimously.

#### NEW BUSINESS

Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0062, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3.

It was noted that this application was submitted at the last meeting and then withdrawn for additional information. The Board agreed that the applicant should pay only one fee.

A motion was made to waive the fee for Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0062, for a variance to replace an existing barn. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3. Motion by Judith Kelly, seconded by Nanette Falkenberg and carried unanimously.

The Board agreed that they are in favor of this proposal. Nanette Falkenberg noted that one of the reasons that the plan was favorable is because it is to rebuild on the same footprint. Ed Cady reported that he viewed the site and confirmed the original building was beyond repair. Karen Kopta commented that this appeal is before the Board because of the lot size that creates the preexisting nonconformity. The plan will not extend the nonconformity. Judith Kelly noted that the proposed building is to be built by the PA Amish, which will complement the existing house.

A motion was made to grant the variance request for Catherine Mulberry, Assessors Map 26 Lot 21, located at 5 Carriage Lane. Case file 2014-0062, for a variance to replace an existing barn on existing 18 x 24 footprint. Ref: Zoning Regulations 3.10.1, 3.10.2 & 3.10.3. Motion by Ed Cady. The motion was seconded by Karen Kopta and carried unanimously.



Justin & Logan Ongley, Assessors Map 9 Lot 18, located at 32 Baker Rd. Case file 2014-0063, for a variance to enclose porch and add exterior chimney. Ref: Zoning Regulations 3.10.3 & 3.10.4.

Karen Kopta noted that this proposal is more than enclosing a front porch. This is being done to expand living space and will add a 2nd floor as part of the addition.

Nanette Falkenberg explained that she is in favor of this proposal; however, would like to better understand the front setback. The Board should be precise in what is being approved.

The Board discussed whether this application is before the Board due to the existing nonconforming lot size and side setback or because of a potential encroachment on the front setback. It was agreed that this information should have been supplied to the Board as part of the application process. The Board agreed that an approval shall be contingent upon verification that the proposal will meet front setback requirements.

The hardship was discussed. It was agreed that the topography of the property would prevent an addition in a different location. The concept to retain young families in town is in line with the Plan of Conservation and Development for Roxbury.

A motion was made to grant the variance request for Justin & Logan Ongley, Assessors Map 9 Lot 18, located at 32 Baker Rd. Case file 2014-0063, for a variance to enclose porch, add a room above and add exterior chimney. Ref: Zoning Regulations 3.10.3 & 3.10.4 due to the hardship based upon the topography of the property. The approval shall be contingent upon the verification that the building as rebuilt meets front setback requirements. Motion by Nanette Falkenberg, seconded by Judith Kelly and carried unanimously.

#### **ADJOURNMENT**

A motion was made at 9:10 PM to adjourn. Motion by Ed Cady. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

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# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING SEPTEMBER 8, 2014

### CANCELLATION NOTICE

The Regular Meeting of the Roxbury Zoning Board of Appeals, which was scheduled for Thursday, September 18, 2014 has been cancelled.

Respectfully submitted,  
*Jai Kern*  
Tai Kern, Secretary

Cc: Town Clerk  
Zoning Enforcement Officer  
Dated: September 11, 2014



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING OCTOBER 16, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:35 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner and Karen Kopta.

Alternates Present: Ed Cady

Others Present: Ms. Winterkorn, Mr. Lincicome and ZEO Gary Coburn

Alternate Ed Cady was seated as a Regular Member.

#### NEW BUSINESS

Jacqueline Winterkorn, located at 20 Church St., Assessor's Map 18, Lot 41, Case File 2014-0065 request for a variance to build a wheelchair ramp. Ref. Zoning Regulation 3.10.3 & 3.10.4

Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

- Confirmation of certified mailings

Mr. Lincicome came forward with certified mailings receipts to abutters and confirmed that he has not received any objections to the proposal. He also submitted an Agent Authorization for the record.

- Applicant presentation

Mr. Lincicome distributed photos of the site and reviewed the plan by Brian Neff entitled Handicap Access Ramp dated 8/28/14 with the Board. He explained that a wheel chair ramp is necessary due to the declining health of his wife. It is proposed that the ramp will be made of wood with a picket fence within the hand rail area. There will be two segments to the ramp with a platform area to change direction in between.

- Questions from the Board

It was confirmed for the Board that this application is before them because this is a preexisting nonconforming lot; however, the proposal does not encroach upon setbacks. It was also confirmed that the Roxbury Historic District Commission has approved this proposal.

The hardship was discussed. Judith Kelly noted that this proposal is for the safety and welfare of a Roxbury resident. It was questioned whether this would qualify for a variance, as this would be in perpetuity on the land records. Gary Coburn advised that in such cases a hardship does not have to carry with the property. It is the variance that is recorded on the land records.

- Public Comment

There were not any members of the public present.

- Close or continue Public Hearing

A motion was made to close the Public Hearing for the application of Jacqueline Winterkorn, located at 20 Church St., Assessor's Map 18, Lot 41, Case File 2014-0065 request for a variance to build a wheelchair ramp. Ref. Zoning Regulation 3.10.3 & 3.10.4. Motion by Nanette Falkenberg. The motion was seconded by Ed Cady and carried unanimously.

**ADJOURNMENT**

A motion was made at 7:46 PM to adjourn from the Public Hearing. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING OCTOBER 16, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:47 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner and Karen Kopta.

Alternates Present: Ed Cady

Others Present: ZEO Gary Coburn

Alternate Ed Cady was seated as a Regular Member.

#### APPROVAL OF MINUTES

##### August 21, 2014 Public Hearing and Regular Meeting

A motion was made to approve the minutes of the August 21, 2014 Public Hearing. Motion by Nanette Falkenberg. The motion was seconded by Ed Cady and carried unanimously.

A motion was made to approve the minutes of the August 21, 2014 Regular Meeting. Motion by Judith Kelly, seconded by Ed Cady and carried unanimously.

Judith Kelly asked that it be confirmed that Ms. Mulberry paid only one fee for her application that had been resubmitted.

#### NEW BUSINESS

Jacqueline Winterkorn, located at 20 Church St., Assessor's Map 18, Lot 41, Case File 2014-0065 request for a variance to build a wheelchair ramp. Ref. Zoning Regulation 3.10.3 & 3.10.4

The Board agreed that they had no objection to this application. Margaret Miner raised the question of hardship and whether personal difficulty qualifies. Gary Coburn advised that if the Board deems it so, personal difficulty can qualify as a hardship. Nanette Falkenberg noted that the hardship goes with the property. Legal citation with regard to personal difficulty was requested. Judith Kelly reminded the Board that the hardship stated on the application is that this proposal is necessary for the safety of the owner.

A motion was made to approve the application of Jacqueline Winterkorn, located at 20 Church St., Assessor's Map 18, Lot 41, Case File 2014-0065 request for a variance to build a wheelchair ramp. Ref. Zoning Regulation 3.10.3 & 3.10.4 for safety of owner and because there would be no increase in nonconformity to this preexisting nonconforming property. Motion by Margaret Miner, seconded by Nanette Falkenberg.

Discussion:

Karen Kopta stated that she is in favor of this application because it has been approved by the IWC and HDC, there is no increase of nonconformity and it makes the property safe for the owner's use.

Nanette Falkenberg stated that she is in favor of this application and concurs with the reasons given.

Margaret Miner noted she is in favor and concurs with the reasons given and added that given the nonconformity of the lot the owner would not have adequate access without a ramp.

Ed Cady stated that he is in favor of this application. This is a medical hardship and safety and wellbeing should be paramount.

Judith Kelly noted that she supports this application. As a town board, it is the ZBA's purpose to serve the town. This proposal is for the health, safety and welfare of one of Roxbury's residents as well as being a preexisting nonconforming property.

Gary Coburn reported that he located the legal citation regarding health and safety as requested by the Board under Section 17.1.1.c Duties of the Board. He read this Section aloud.

A motion revision was offered:

A motion was made to approve the application of Jacqueline Winterkorn, located at 20 Church St., Assessor's Map 18, Lot 41, Case File 2014-0065 request for a variance to build a wheelchair ramp. Ref. Zoning Regulation 3.10.3 & 3.10.4 due to the preexisting nonconforming lot and for the physical wellbeing of the owner including consideration of the health, safety and wellbeing as reference in Section 17.1.1.c. Motion by Margaret Miner, seconded by Judith Kelly and carried unanimously.

#### **OTHER BUSINESS**

General discussion regarding approvals with contingencies- Ongley / 32 Baker Rd. - motion amendment

Chairperson Kelly reminded the Board of their conversation regarding the boundary line for the Ongley approval and noted that the discussion at the 8/21/14 regarding the center of the road for town use in reference to the boundary line, which is the lot line, was insignificant. The reason being is that the applicant was before this Board because the house was preexisting nonconforming within the setback. She clarified that he is not adding a room or tearing down the porch as stated at the meeting. The porch is to be enclosed; thereby, creating a closet space above due to the roofline.

Nanette Falkenberg noted that the Board did not have the complete information regarding this application. This application should not have been accepted as it was incomplete. She is unsure whether a growing family is a hardship and feels the Board needs to be educated. Gary Coburn suggested that the ZBA have a training session with Gail McTaggart. The Board agreed that they need some guidance.

Margaret Miner questioned whether the town has interest in preserving diverse housing. Nanette Falkenberg reported that the ZBA was reprimanded by a member of the public at the Smart Growth Informational Meeting for allowing many of the small homes to be enlarged.

Gary Coburn reported that Gail McTaggart advised that there is no need to change the contingency because it is moot due to the fact that 14 1/2 feet is the legal setback per State Statute because it has been this way over three years. He noted that Attorney McTaggart advised that the Board can amend the motion to remove "add a room" because this is not what was requested in the application.

The Board agreed that the building and any change would be difficult to see from the road. It was noted that the chimney, as sketched in the front of the house, would be two feet further into the setback. Therefore, the contingency that the building as rebuilt meets setback requirements included within the motion to approve at the 8/21/14 meeting would not allow for the chimney in the location presented on the sketch.

A motion was made to take no action regarding Ongley / 32 Baker Rd. – motion amendment. Motion by Margaret Miner, seconded by Nanette Falkenberg and carried unanimously. The applicant can now proceed to the ZEO.

The Board agreed that they would like to request a ZBA tutorial to be given by Gail McTaggart.

**ADJOURNMENT**

A motion was made at 9:16 p.m. to adjourn. Motion by Ed Cady. The motion was seconded by Margaret Miner and carried unanimously.

Respectfully submitted,

*Tai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS PUBLIC HEARING NOVEMBER 20, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:38 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner, Bill Davies and Karen Kopta.

Alternates Present: Ed Cady and Nancy Schoenholtz

Others Present: William Worcester

#### NEW BUSINESS

Lisa Brown, located at 11 Squire Rd., Assessor's Map 25, Lot 36, Case File 2014-0064 for a variance for a hallway & steps connecting house to garage. Ref. Zoning Regulation 2.4.3.1 & 3.10.4 nonconforming building.

- Read legal notice into the record

Chairperson Kelly read the legal notice for the record.

- Confirmation of certified mailings

Certified mailing receipts to abutters were confirmed to be in the file as well as an Agent Authorization.

- Applicant presentation

Agent William Worcester came forward with a plan dated 8/19/14 for a hallway and steps to connect the garage to the house, both of which preexist as nonconforming structures. He reviewed a sketch of the proposed 9'3" x 4" enclosed hallway as well as the property survey noting the location of the proposal. Photos of the site were viewed.

The hardship was discussed:

Mr. Worcester stated that the hardship is the location of the house on the lot. The existing garage is 7 feet from the road; however, the addition will be tucked in from sight. The property owner would like to be able to access the garage from the house to make use of it for storage.

- Questions from the board

Bill Davies inquired as to when the garage was added to this property. Mr. Worcester noted that this addition was made during the 1970s. Mr. Davies explained that he assumes the garage was granted a variance when it was added. He agreed that the topography would preclude the garage from being placed elsewhere on the property; thereby, also preventing an alternative for the proposed hallway and steps connecting the house to the garage.

Margaret Miner noted that although she understands the hardship that is being presented, it would be nice to know the hardship that was given when the garage was built in the interest of consistency.

- Public Comment

There were not any members of the public present.



- Close or continue public hearing

A motion was made to close the public hearing for the application of Lisa Brown, located at 11 Squire Rd., Assessor's Map 25, Lot 36, Case File 2014-0064 for a variance for a hallway & steps connecting house to garage. Ref. Zoning Regulation 2.4.3.1 & 3.10.4 nonconforming building. Motion by Nanette Falkenberg. The motion was seconded by Judith Kelly and carried unanimously.

#### **ADJOURNMENT**

A motion was made at 8:05 PM to adjourn from the Public Hearing. Motion by Nanette Falkenberg. The motion was seconded by Karen Kopta and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals*



# TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING NOVEMBER 20, 2014

### MINUTES

#### CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 8:05 PM.

#### IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner and Karen Kopta.

Alternates Present: Ed Cady and Nancy Schoenholtz

Others Present: William Worcester

#### APPROVAL OF MINUTES

##### October 16, 2014 Public Hearing and Regular Meeting

A motion was made to approve the minutes of the October 16, 2014 Public Hearing. Motion by Nanette Falkenberg. The motion was seconded by Margaret Miner and carried. Bill Davies abstained.

A motion was made to approve the minutes of the October 16, 2014 Regular Meeting. Motion by Karen Kopta, seconded by Margaret Miner and carried. Bill Davies abstained.

#### OTHER BUSINESS

##### Approval of 2015 Meeting Schedule

A motion was made to approve the 2015 Meeting Schedule as presented. Motion by Nanette Falkenberg, seconded by Bill Davies and carried unanimously.

##### Appointment of 2015 Officers

Bill Davies nominated the current slate of officers for 2015. The nomination was seconded by Karen Kopta.

A motion was made to close the nominations for the 2015 ZBA Officers. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

A motion was made to elect the current slate of ZBA officers for 2015; Judith Kelly as Chairperson and Nanette Falkenberg as Vice Chair. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

Correspondence including the FOI Ethics packets, P&Z Quarterly Newsletters and the Annual Report were confirmed received by all members present.

#### NEW BUSINESS

Lisa Brown, located at 11 Squire Rd., Assessor's Map 25, Lot 36, Case File 2014-0064 for a variance for a hallway & steps connecting house to garage. Ref. Zoning Regulation 2.4.3.1 & 3.10.4 nonconforming building.

Chairperson Kelly looked for comments from the Board regarding this application.

Karen Kopta noted that she agrees that due to the topography of the property there would be no other alternative for connecting the garage to the house.

Judith Kelly noted that due to the location of the house and garage this proposal would serve the convenience and welfare of the applicant.

Margaret Miner agreed that the topography would prevent this addition at an alternative location.

Karen Kopta concurred with the aforementioned reason and agreed that the topography is difficult.

Bill Davies noted that the applicant is unable to move the garage due to the topography. The proposed hallway is a convenient and safe way to enter the garage from the house.

Nanette Falkenberg agreed that there is no alternative for this proposal due to the topography and existing structure.

A motion was made to approve the application of Lisa Brown, located at 11 Squire Rd., Assessor's Map 25, Lot 36, Case File 2014-0064 for a variance for a hallway & steps connecting house to garage. Ref. Zoning Regulation 2.4.3.1 & 3.10.4 nonconforming building hardship being that there are no other options due to the steep topography and location of the existing house and garage taking into consideration public health and safety. Motion by Margaret Miner, seconded by Bill Davies and carried unanimously.

Margaret Miner noted that she would like to ask the town attorney a question regarding hardship. She noted that a hardship should be particular to the land, unique in the neighborhood and specific to the property. Using South St. as an example, many house are on preexisting nonconforming lots. Is the fact that the property is preexisting nonconforming a hardship?

The group agreed that the applicants should be doing a better job of expressing their hardship by being more specific. Additionally, any previous variances on the property should be made available upon the receipt of an application.

Nancy Schoenholtz would like to volunteer to revise the current ZBA application to include instructions with the application. The Board was in favor of this idea.

#### **ADJOURNMENT**

A motion was made at 8:46 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Margaret Miner and carried unanimously.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

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# TOWN OF ROXBURY CONNECTICUT

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Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING DECEMBER 18, 2014

### CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for December 18, 2014 has been cancelled due to lack of business.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary