



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 JANUARY 15, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for January 15, 2015 has been cancelled due to lack of business.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

Date: 01/06/15



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 19, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for February 19, 2015 has been cancelled due to lack of business.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

Date: 02/10/15



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 MARCH 19, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for March 19, 2015 has been cancelled due to lack of business.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

Date: 03/10/15



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 APRIL 16, 2015

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, Bill Davies and Karen Kopta.

Alternate Present: Ed Cady

Others Present: ZEO Gary Coburn and Bill Horrigan

APPROVAL OF MINUTES

November 20, 2014 Public Hearing & Regular Meeting

A motion was made to approve the minutes of the November 20, 2014 Regular Meeting. Motion by Nanette Falkenberg. The motion was seconded by Margaret Miner and carried.

The reference to the width of the Brown hallway was corrected to be in feet.

A motion was made to approve the minutes of the November 20, 2014 Public Hearing as corrected. Motion by Nanette Falkenberg, seconded by Margaret Miner and carried.

OTHER BUSINESS

The members discussed proper Board Member protocol and what is best for the good of the ZBA.

NEW BUSINESS

Preliminary application review – 12 High Bridge Rd. proposal

Chairwoman Judith Kelly explained to the Board that this is a preliminary review and an application has not yet been submitted for a variance. The Board is not permitted to say yes or no to what is being presented, nor is it permitted to advise as to what the plan should be.

Bill Horrigan came forward to discuss 12 High Bridge Rd.; however, he noted that he owns a total of five nonconforming properties in town. He is here to better understand the process and the Board's requirements. Mr. Horrigan reported that 12 High Bridge Rd. is in a state of disrepair. He has taken out 13 dumpsters full of debris and is addressing an infestation issue. The property is divided by a road and includes a .84 acre section where the house is located and a 3.7 acre section on the other side of the road. Gary Coburn advised that the 3.7 parcel would be confirming because it is pre 4 acre zoning. Mr. Horrigan explained that the house structure is completely within the setbacks of the .84 parcel.

Margaret Miner noted that she feels uncomfortable with pre-application discussion for ZBA matters. Bill Horrigan explained that he is here because there is historical value to the house; although, it may be better to tear down and rebuild within the setbacks. He would like to consider the addition of a dormer if he was to rebuild; however, it would remain within the same footprint. Judith Kelly reminded the group that self-inflicted and self-created hardships can never be considered by the Board.

The Board invited Mr. Horrigan to return with his plan and encouraged him to review the files for similar requests.

Discussion of questions regarding the ZBA process, decisions, or hardships

Chairwoman Kelly reminded the members that she had requested that they come forward with their questions for discussion. It was noted that Margaret Miner had a good question at the last meeting regarding whether it is a hardship if the property is preexisting nonconforming.

Judith Kelly reported that the Zoning Commission did a review of the ZBA's past decisions to determine if there is anything in the Regulations that could be amended to assist the public with common issues. Nothing with much consistency was found. ZBA did suggest that eliminating the need for requests for variances to accommodate disabilities be considered. Zoning has drafted a proposed regulation to allow for this.

Margaret Miner noted that another issue that has come before the ZBA is whether a bridge or a culvert is required. ZBA is put in a position between IWWA and Zoning regarding this matter when the two Commissions should come to an agreement regarding this matter.

The Board agreed that the ZBA Checklist should be revised to include the requirement of the proof of a legal lot and photos. An A2 survey is preferred and sketches must be accurate.

Nanette Falkenberg questioned whether the Board should consider a two-step process as done in other towns where the application comes before the Board for acceptance prior to the scheduling of a public hearing. Bill Davies was reluctant to extend the wait to the public to receive a decision. He suggested that the Board do better about being more disciplined regarding what is needed. Additionally, the Board needs to use common sense and look to help people where it can. It is possible to deny without prejudice if information provided is not sufficient enough to make a decision.

Gary Coburn explained that the Land Use Office cannot advise regarding hardship. Margaret Miner questioned whether examples of hardships can be provided. Bill Davies noted that the hardship portion of the application and its description should be a prominent packet piece.

Nanette Falkenberg stated that there should be a place the public can ask simple questions and get simple answers to their questions. Gary Coburn reference the POCD as a guide for the townspeople. Nanette Falkenberg noted that quite often the Board decides favorably regarding a request that does not increase the nonconformity, does not change the character of the neighborhood or if the topography is unique.

It was agreed that the Land Use Office should stress the importance of the hardship question on an application. It should be stated in bold within the packet that it is the applicant's responsibility to prove hardship. Nanette Falkenberg asked Gary Coburn to do an application review and submit to the Board in writing.

ADJOURNMENT

A motion was made at 8:55 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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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 21, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for May 21, 2015 has been cancelled due to a lack of business.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

Date: 05/12/15



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 JUNE 18, 2015

MINUTES

CALL TO ORDER

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

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

Alternate Present: Ed Cady, Harvey Yaverbaum, and Nancy Schoenholtz

Others Present: ZEO Gary Coburn, John Cody and Bill Horrigan

Alternate Harvey Yaverbaum was seated as a Regular Member

PUBLIC HEARING

William Horrigan, Jr., Assessors Map 16 Lot 014, located at 12-14 High Bridge Rd.

Case file 2015-0067, for a variance for renovation, remodeling, restoration, rebuilding of existing structure/residence within or less than existing footprint. Septic, driveway and building code upgrades will be part of project. Ref: Zoning Regulation 3.10.3 – Nonconforming property

Read legal notice into the record- Chairperson Kelly read the legal notice of this public hearing for the record.

Confirmation of certified mailings- Certified mailing receipt to abutter was confirmed as in the file. The file was determined to be complete.

The ZEO's review of this application was distributed. Section 3.10.4 of the Roxbury Zoning Regulations was noted; No nonconforming building devoted to a conforming use shall be enlarged, extended, reconstructed or structurally altered on the exterior except where the results of such change is to reduce or eliminate the nonconformity.

Applicant presentation

William Horrigan came forward and reviewed regulations and questioned whether this application should be in front of the ZBA. The nonconformity of the house is with its relationship to the setback. This proposal will be reducing the size of the nonconformity due to the removal of the chimney and layers of siding.

Alternate Nancy Schoenholtz arrived at 7:48 p.m.

Chairperson Kelly requested that ZEO Gary Coburn come forward and give his thoughts as to whether this should be in front of the ZBA. Gary Coburn advised that a vertical enlargement or structural change on a nonconforming building would come before the ZBA. However, it is a matter of interpretation of the language regarding reduction of the nonconformance and enlargement of structure.

The Board determined that the applicant should go forward with his presentation.

The A2 survey was reviewed. Mr. Horrigan explained that the house is in complete disrepair and distributed photos of the site. There will be no changes to the lot and the plan is in keeping with the historic character of the house. He presented sketches of the plan. He noted that there would be exceptional difficulty to move the house. It would require that the current foundation, well and septic be abandoned. The septic and health requirements for the new site would be difficult and may be impossible due to the topography. The ledge on the site may make it impossible to get a reserve.

The hardship was stated as lot size, septic, well and topography which present exceptional difficulties with regard to rebuilding the house in a different location on the lot.

Gary Coburn cited a case in which a building could not be moved to a different building area on the lot and it was determined hardship.

Questions from the board

Nanette Falkenberg asked for evidence that what is assumed to be true, is true regarding the site difficulties and inability to get a septic and well at a new site. Mr. Horrigan noted that in viewing the lot, the ledge and topography issues are evident.

Ed Cady questioned the use of the Second Piece across the street with regard to this plan. Mr. Horrigan explained that a town road is between the two pieces and it is not permitted to cross the town road with regard to a proposal on the First Piece.

Harvey Yaverbaum asked whether the height of the building was being raised. Mr. Horrigan viewed the sketches with the Board noting the dormers.

Bill Davies asked for the current square footage of the building vs. the proposed square footage. Mr. Horrigan advised that the proposed total square footage will be 2188. The current Assessor's Card notes the living area as 1004 square feet and gross area as 2,378.

Public comment- There were no members of the public present.

Close or continue public hearing

A motion was made to close the public hearing of William Horrigan, Jr., Assessors Map 16 Lot 014, located at 12-14 High Bridge Rd., Case file 2015-0067, for a variance for renovation, remodeling, restoration, rebuilding of existing structure. Motion by Bill Davies, the motion was seconded by Nanette Falkenberg and carried unanimously.

William Horrigan, Jr., Assessors Map 18 Lot 044, located at 12 Hemlock Rd.
Case file 2015-0066, for a variance for a deck addition (15' x 20') on rear of house.
Ref: Zoning Regulations variance from 3.10.3 & 3.10.4 – Nonconforming property

Read legal notice into the record - Chairperson Kelly read the published legal notice for the record.

Confirmation of certified mailings- The certified mailing receipts were confirmed in the file. The filed was determined to be complete

The ZEO's review of this application was distributed. State Statute Sec. 8-13a was referenced as well as subsection (a) noting; a deck that has neither walls nor a roof is not a "building" and is not an integral part of the house to which it is attached. The question was raised whether a deck requires a variance. It is not a building; however, it is still a structure attached to a house subject to setback regulations.

Applicant presentation

Mr. Horrigan read the regulation sections that apply to this variance request. He stated that the deck should be permitted as it shall conform. It will be behind the house and meet all setback requirements. He can build this deck separate from the house; however, would like to attach it if possible.

Questions from the board

Judith Kelly noted that the Assessor's Card already shows two porches on this house. Mr. Horrigan advised that the house has one front porch. Ed Cady noted that he viewed the site and the additional porch listed is actually part of the living space in the house.

Mr. Horrigan confirmed that he has no hardship to state other than the way the regulations are written. Further clarification regarding structures vs. buildings specifically regarding decks within the Zoning Regulations are needed.

Public comment

There was no one from the public present.

Close or continue public hearing

A motion was made to close the public hearing for the application of William Horrigan, Jr., Assessors Map 18 Lot 044, located at 12 Hemlock Rd., Case file 2015-0066, for a variance for a deck addition (15' x 20') on rear of house. Ref: Zoning Regulations variance from 3.10.3 & 3.10.4 – Nonconforming property. Motion by Bill Davies, the motion was seconded by Nanette Falkenberg and carried unanimously.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

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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 JUNE 18, 2015

MINUTES

CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 8:35 PM.

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

Alternate Present: Ed Cady, Harvey Yaverbaum, and Nancy Schoenholtz

Others Present: ZEO Gary Coburn, John Cody and Bill Horrigan

Alternate Harvey Yaverbaum was seated as a Regular Member

APPROVAL OF MINUTES

April 16, 2015 Regular Meeting

The spelling of the word "conforming" was corrected.

A motion was made to approve the minutes of the April 16, 2015 Regular Meeting. Motion by Nanette Falkenberg.

The motion was seconded by Karen Kopta and carried unanimously.

A motion was made to add to the agenda discussion regarding the CT P&Z quarterly newsletter. Motion by Nanette Falkenberg, seconded by Bill Davies and carried unanimously.

Judith Kelly made note of the case in the P&Z Newsletter where the court found that personal hardship cannot be grounds for an appeal. Additionally, it notes that only the ZBA has the authority to vary a regulation. Chairperson Kelly requested that Gary Coburn bring this to the attention of the Planning and Zoning Commissions.

NEW BUSINESS

William Horrigan, Jr., Assessors Map 18 Lot 044, located at 12 Hemlock Rd.

Case file 2015-0066, for a variance for a deck addition (15' x 20') on rear of house.

Ref: Zoning Regulations variance from 3.10.3 & 3.10.4 – Nonconforming property

Karen Kopta received clarification from the Board that this is before the ZBA because this is a nonconforming building.

Judith Kelly noted that the ZEO's Review states that a deck is not a building and not an integral part of a house.

Nanette Falkenberg raised the point that it is still a structure. Bill Davies stated that the Zoning Regulations should be clear about this.

The members agreed that a deck is not an integral part of a house and this proposal would not increase the nonconformity; therefore, there is no justification that this should be before the ZBA.

Mr. Horrigan agreed to withdraw his application for a variance.

William Horrigan, Jr., Assessors Map 16 Lot 014, located at 12-14 High Bridge Rd.

Case file 2015-0067, for a variance for renovation, remodeling, restoration, rebuilding of existing structure/residence within or less than existing footprint. Septic, driveway and building code upgrades will be part of project. Ref: Zoning Regulation 3.10.3 – Nonconforming property

Bill Davies noted that this plan reduces the size of the nonconforming footprint. Forcing the owner to rebuild at a different location would require the abandonment of the well, septic and foundation. There is no other suitable location to rebuild the house as it will be difficult to meet the health and safety requirements due to the ledge on

the site. The current proposal is an extreme improvement due to the condition of the house. The Board members were unanimously in agreement with the reasons stated for an approval of the variance request.

A motion was made to approve the application of William Horrigan, Jr., Assessors Map 16 Lot 014, located at 12-14 High Bridge Rd. Case file 2015-0067, for a variance for renovation, remodeling, restoration, rebuilding of existing structure/residence within or less than existing footprint. Septic, driveway and building code upgrades will be part of project. Ref: Zoning Regulation 3.10.3 – Nonconforming property. Motion by Bill Davies, seconded by Harvey Yaverbaum and carried unanimously.

The unanimous reasons for approval are that there is no other suitable location for the house due to topography of the site and the proposal reduces the nonconformance by decreasing the footprint of the house.

OTHER BUSINESS

Gary Coburn proposed a process where an applicant be required to submit a Zoning application for review by the ZEO and denied prior to an application being submitted to the ZBA for a variance. The Board noted they would be in favor of this process. Gary Coburn agreed to further research this matter.

Judith Kelly reminded the Board that a July meeting will be held on an as needed basis.

ADJOURNMENT

A motion was made at 9:05 PM to adjourn. Motion by Ed Cady. The motion was seconded by Bill Davies and carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Secretary

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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 20, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for August 20, 2015 has been cancelled due no applications being filed.

Respectfully submitted,
Jai Kern
Tai Kern, Secretary

Dated: August 18, 2015



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 SEPTEMBER 17, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for September 17, 2015 has been cancelled due no applications being filed.

Respectfully submitted,
Jai Kern
Tai Kern, Secretary

Dated: September 15, 2015



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 15, 2015

CANCELLATION NOTICE

The Zoning Board of Appeals Regular Meeting for October 15, 2015 has been cancelled due no applications being filed.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

Dated: October 13, 2015



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 19, 2015

MINUTES

CALL TO ORDER

Judith Kelly, Chairperson, called the meeting to order at 7:40 PM.

IDENTIFICATION OF MEMBERS

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

Alternates Present: Ed Cady, Harvey Yaverbaum, and Nancy Schoenholtz

Others Present: ZEO Gary Coburn

APPROVAL OF MINUTES

Regular Meeting - June 18, 2015

A motion was made to approve the minutes of the June 18, 2015 Regular Meeting. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried. Margaret Minor abstained.

Public Hearing - June 18, 2015

A motion was made to approve the minutes of the June 18, 2015 Public Hearing. Motion by Bill Davies. The motion was seconded by Nanette Falkenberg and carried. Margaret Minor abstained.

OTHER BUSINESS

A motion was made to add correspondence from the ZEO to agenda. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Correspondence from ZEO

A letter of resignation from ZEO Gary Coburn was read aloud. The Board expressed their thanks to Mr. Coburn and presented him with a certificate of appreciation.

2016 Regular Meeting Schedule

The members confirmed their receipt and review of the proposed 2016 Regular Meeting Schedule.

A motion was made to approve the 2016 Regular Meeting Schedule of the ZBA. Motion by Bill Davies. The motion was seconded by Nanette Falkenberg and carried unanimously.

ZBA Application Review Process

A draft of a possible new ZBA application review process was distributed and reviewed. The proposed process would include a review and acceptance of the application by the Board prior to setting a public hearing.

Bill Davies noted that he feels strongly that the current process should continue. He explained that people who are organized and properly submit their applications should not be penalized an additional month. They have done their due diligence and should be allowed a public hearing immediately.

The members discussed the formal acceptance of an application and whether this should be the responsibility of the ZEO.

It was agreed that the Board would be more disciplined when hearing a request for a variance. The Board cannot find hardship or complete the application for the applicant. The penalty for an applicant not being prepared in accordance with the checklist will be that their timeline has begun and the public hearing will need to be continued due to a lack of information. An applicant has the option of withdrawing their application; however, an additional fee will be required for submission of a new application once the information is available.

The Board determined that they would add the step to review and accept the application at the beginning of the public hearing. The hearing will be continued if it is found that more information is needed, the applicant has the option to withdraw or the Board will have to deny the request for variance.

It was the consensus recommendation of the Board that the ZEO and staff clarify regulatory timelines with the applicant and advise applicant that the ZBA is likely to reject an application if all the information required as indicated on the checklist is not supplied.

Harvey Yaverbaum and Judith Kelly will revise the checklist and application packet to include strong language to advise applicants the need for completeness, statutory timelines, and the necessity of a hardship. The Board will not accept an application during the Public Hearing if found to be incomplete using the current checklist.

Going forward the Board will open the Public Hearing, the applicant will present their application, if an application is found to be complete in its entirety it will be heard, but if the application is determined incomplete the Public Hearing will be held open, the applicant can withdraw or the variance will be denied.

Election of 2016 Officers

Judith Kelly explained that she can no longer accept responsibility of Chairperson, however, will remain on the Board as a member. She looked for nominations for Officers.

- Chairperson: Karen Kopta nominated Nanette Falkenberg as Chairperson. The nomination was seconded by Bill Davies.
- Vice Chair: Karen Kopta nominated Judith Kelly as Vice Chair. The nomination was seconded by Bill Davies.

A motion was made to close the nomination for 2016 ZBA Officers. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

A motion was made to elect the nominated slate of 2016 ZBA Officers. Motion by Bill Davies. The motion was seconded by Karen Kopta and carried unanimously.

ADJOURNMENT

A motion was made at 9:13 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Bill Davies and carried unanimously.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

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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 DECEMBER 17, 2015

CANCELLATION NOTICE

The December 17, 2015 Regular Meeting of the Zoning Board of Appeals has been cancelled due to a lack of business.

Respectfully submitted,
Jai Kern
Tai Kern, Secretary