

Zoning Board of Appeals
Minutes - Final
July 10, 2012

Chairman David Rathbun called the Zoning Board of Appeals meeting to order at 7:02 p.m. Members in attendance were David Rathbun-Chairman, David Rezendes, Lynn Conway and Jack Guyol. Absent: Matthew Berger. Alternate: Virginia McCormick was present and seated for Matthew Berger. Also in attendance was Land Use Enforcement Agent, Candace Palmer filling in for Zoning Official Joseph Larkin.

AAP #12-07 Alliance Energy, LLC - Request ZBA overturn the Zoning Enforcement Officer's denial of Zoning Permit #12-045. Property located at 87 West Broad St., Pawcatuck. Assessor's Map 3 Block 21 Lot 3. Zone LS-5.

This application is scheduled for public hearing on 8/14/2012. Chairman Rathbun commented that he expected to see this application withdrawn.

Old Business:

AAP 12-04 Richard C. Fiore (Continued) – Request ZBA overturn the Zoning Enforcement Officer's Cease & Desist #11-124. Property located at 27 Moss St., Pawcatuck. Assessor's Map 4 Block 3 Lot 23. Zone RH-10.

A motion was made by Mr. Rezendes, seconded by Ms. McCormick to overturn the Zoning Enforcement Officer's Cease & Desist #11-124.

The motion went to discussion. Mr. Rezendes feels that the evidence is heavily in favor of the applicant and that the town knew that this was a 6 unit apartment and has been since 1984. The property card shows that there are 6 apartment units. Ms. Conway feels the tax cards are evidence for this overturn, however, we do not base judgment on tax cards because there is no correlation between tax card and zoning. As a Board, there is no consistency in decisions of this nature and this would be a topic for discussion in the future. Ms. McCormick feels the town knew the apartments existed. We should overturn and add a stipulation that all fire code violations be rectified within 60 days. Mr. Guyol feels that the Town knew this is a 6 unit apartment. Taxpayers should not pay for the Town's mistakes. Mr. Rathbun feels the Town knew when the electrical inspection was completed.

The motion passed unanimously to overturn the Zoning Enforcement Officer's Cease & Desist #11-124.

New Business:

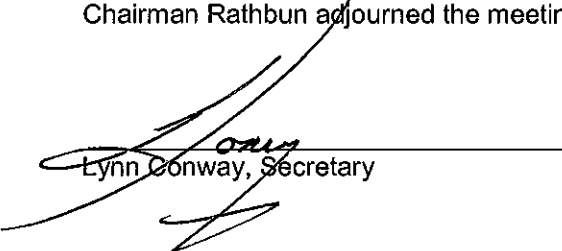
ZBA #12-08 Michael Haase & Nadezhda Pencheva-Hasse – Seeking a variance from ZR 5.1.1. bulk requirements to reduce the front yard setback from 20' to 1' for construction of second story addition to a single family residence and to reduce the rear yard setback from 10% of lot depth to 6% of lot depth for replacement and increased height of existing garage. Property located at 25 Mistuxet Ave., Mystic. Assessor's Map 173 Block 7 Lot 8. Zone RH-10.

The application is complete and is scheduled for Public Hearing at the meeting on 8/14/2012.

Review of meeting minutes: A motion was made by Mr. Rezendes, seconded by Ms. Conway to approve the Minutes of May 8, 2012. Unanimously approved.

A motion was made by Ms. Conway, seconded by Mr. Rezendes to approve the Minutes of June 12, 2012 as amended to strike out on page 2 of Carol Clark's application. Unanimously approved.

Adjournment: A motion was made by Ms. Conway and seconded by Mr. Rezendes to adjourn. Chairman Rathbun adjourned the meeting at 7:17 p.m.


Lynn Conway, Secretary