

**CITY OF TORRINGTON
ZONING BOARD OF APPEALS
MINUTES
October 14, 2008**

Present: David Moraghan, Chairman
Cynthia Vasko, Member
Karen Falk, Alternate
Marc Trivella, Alternate
Ken Edwards, Alternate

Also Present: Mike O'Neil, Assistant Zoning Enforcement Officer

Absent: Kathleen Perrotti, Vice Chairwoman
James Marinelli, Member
Genevieve Gangi, Member

1. **Call to Order:** Chairman David Moraghan called the meeting to order at 7:02 p.m. in the City Hall Council Chambers, 140 Main Street, Torrington, CT

2. **Attendance:**

Chairman Moraghan announced seated this evening will be Cynthia Vasko, Karen Falk, Marc Trivella, Ken Edwards. Also present is Assistant Zoning Enforcement Officer Mike O'Neil.

3. **Minutes:**

a. 5/12/08

MOTION by Mr. Trivella to accept the 5/12/08 minutes, seconded by Ms. Vasko, unanimously carried.

4. **Hearings:**

Chairman Moraghan read the legal notice that was published in the Republican American.

a. Appeal from the Decision of Zoning Enforcement Officer
Appellant: Anthony Lawrence
Location: 2 Clove Court
Action being appealed: Deck addition built too close to property line.
Moved shed.

Mr. Lawrence handed in his certificates of mailing. Mr. Lawrence had evidence to support his claims, such as photographs, aerial views of 2001, 2003, 2006. He stated the photo shows that the addition was not there in 2006. Signed affidavits were also submitted.

Raylynn Lawrence of 67 Sage Way appeared and pointed to the photographs and provided explanations of the subject deck as observed from her property. Mr. Lawrence handed in numerous exhibits and provided explanations of the photographs (#275).

Mr. O'Neil noted a correction to Mr. Lawrence's statements, Mr. O'Neil had said to Mr. Lawrence do you really want to do this to the neighborhood and get everybody in the neighborhood against each other?. Mr. O'Neil explained he already ordered Mr. Corvo to take a section of his deck off that Mr. O'Neil that was in setback area and unpermitted and in the setback area, and less than three years old. Mr. O'Neil stated he did not tell Mr. Lawrence to not get affidavits, he told Mr. Lawrence that he could get affidavits but do you want to do this to the neighborhood.

Mr. Moraghan inquired of Mr. O'Neil that if he had seen the City photograph before issuing his decision, would his decision change? Mr. O'Neil stated his decision would be the same, because the information he had, and he does not believe the aerial photo is completely accurate

Lengthy discussion followed regarding the accuracy of the aerial photo and the property line and the accuracy of the April 2006 date. The property lines are superimposed onto the aerial photograph and it is an approximation and therefore not accurate, per Mr. O'Neil.

Mr. O'Neil submitted his memo to the Board as part of the record, Mr. O'Neil read his memo. (#1700)

Mr. Carl Corbo, 2 Clove Court, appeared before the Board. Mr. Corbo had an A-2 survey which had his sketch of the deck added to it. Mr. Corbo submitted a affidavit from someone who helped him build the deck and move the shed. He has a certificate of compliance from the City. Discussion followed.

MOTION by Mr. Trivella to close the public hearing, seconded by Mr. Edwards, unanimously carried.

Discussion followed regarding the timing of the deck construction. (#3120)

Mr. Moraghan stated he does not know if enough evidence has been presented to overrule Mr. O'Neil's decision.

Mr. Trivella noted part of Mr. O'Neil's argument is the passage of the three year time span.

Ms. Vasko stated she does not see any concrete evidence that the deck was built after a certain date. Ms. Vasko supports Mr. O'Neil's decision.

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Ms. Falk does not see a benefit to table this application, as no more evidence will be presented.

Mr. Trivella discussed the timing of the photographs and Mr. O'Neil's decision, and the deck is still over three years old.

Mr. Moraghan stated to overrule the zoning officer, we need to do more than just guess. Mr. Moraghan understands the complaints, and the Board is being asked to guess, and guess that the zoning officer is wrong, and that is not something Mr. Moraghan is not prepared to do.

MOTION by Ms. Vasko to uphold the Zoning Enforcement Officer's decision, seconded by Mr. Trivella, unanimously carried.

Ms. Vasko voted in favor of the motion.
Ms. Falk voted in favor of the motion.
Mr. Trivella voted in favor of the motion.
Mr. Edwards voted in favor of the motion.

Chairman Moraghan announced the Zoning Officer's decision has been UPHELD.

b. Variance
Applicant: Robert Jasonis
Location: 10 Klug Hill Road
Proposal: 16' front yard variance requested for proposed addition
Proposed addition will be 35.1' from property line (50' required)

Robert Jasonis and Albert Stokes appeared before the Board. They did not have the certificate of mailing receipts with them.

Mr. Moraghan stated the certificates must be submitted and this will have to be tabled until next month's meeting. We could move forward and keep the public hearing open until next month. Mr. O'Neil suggested bringing the notices to the office.

Mr. Stokes explained their proposal (#3870) and their need for a variance.

Mr. O'Neil reviewed the application, and the variance request. The subject site has two front yards and two side yards.

Mr. Stokes reviewed their plans to install solar panels, and their need for a garage, and this is the ideal location for it. The yard has a 25 percent plus incline, and they could not move the garage back, and it would not be ideal for the solar panels.

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Mr. Stokes said he wants to use his existing driveway, and he does not want to extend his driveway which is already quite long. The back of the house is a hill, and he cannot imagine excavating to install the garages back there.

Mr. Stokes reviewed the map and provided details of his plans. His hardship is the topography of the land, and angling the house to set it the correct way for solar, and because of the well and septic, and the incline in the back.

Mr. Moraghan stated if this variance was denied, it would not deny them use of the property. Mr. Trivella noted an alternative plan could be designed to meet the setback requirements. Mr. Stokes stated the solar panel set up would not work with another design, and this is more of a visual.

Mr. Jasonis noted he was shocked to find out how far back his property line actually was from the road when they began this design process.

Gerry Zordan of 232 Klug Hill Road, abutting property owner, appeared and stated he received a certified letter. Mr. Zordan stated this would not adversely affect the neighborhood and by putting an addition on the house, it would improve the neighborhood, and he is in favor of allowing the applicant to go forward with this application.

MOTION by Mr. Trivella to continue the public hearing to next month, seconded by Ms. Vasko, motion unanimously carried.

5. Adjournment:

Motion by Mr. Moraghan to adjourn, seconded by Ms. Vasko, motion unanimously carried.

Lona Kirk, Land Use Office

cc: City Clerk, ZBA, ZEO, City Planner, Rich Calkins