

**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
March 5, 2024**

The Brooklyn Zoning Board of Appeals held a regular meeting on Tuesday February 6, 2024, at 6:30 p.m. at the Clifford B. Green Memorial Meeting Center, 69 South Main Street, Brooklyn, CT in person as well as virtually via ZOOM on the following:

**Members Present:** Adam Brindamour, Janet Booth, Richard Oliverson, Mark Masopust (alternate member).

**Members Absent:** With notice: Bruce Parsons, William Macnamara.

**Staff Present:** Terry Mahanna, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer.

**Also Present:** Applicants Matt & Mariette Sheldon; Brooklyn resident, David Church (19 Hamilton).

**Call to Order:** The meeting was called to order at 6:30 p.m.

**Seating of Alternates:** A motion was made by Adam Brindamour and seconded by Richard Oliverson to seat Mark Masopust. Motion passed unanimously by vote 3-0-0.

**Public Commentary:** None.

**Approval of Minutes:** **Motion** was made by Richard Oliverson and seconded by Janet Booth to accept the minutes from the February 6, 2024, Regular Meeting of the ZBA as written. Motion passed unanimously by vote 4-0-0.

**Election of Officers:** None.

**Public Hearing:**

- 1. ZBA 24-001 Matt & Mariette Sheldon, 15 Hamilton Avenue, Map 46, Lot 66, 0.38 Acres, R-10 Zone:** Requesting a variance of section 3.A.5.2.1 of the Zoning Regulations to reduce the minimum front yard setback from 35 feet to 15.6 feet to construct a 10-foot x 16-foot front porch.

The Public Hearing opened at 6:34 pm. Matt and Mariette Sheldon, along with their neighbor at 19 Hamilton, David Church, were present to represent the project.

Mrs. Sheldon stated she has always wanted a front porch and proceeded with an overview of what they hoped to accomplish with their application: they are looking to add an open, unscreened front porch that would replace the existing entryway and tie into the existing roofline. In addition, a see-through railing will be built to code.

Ms. Booth noted that their application calls for a 10' x 16' porch whereas the plan shows a footprint of 10' x 20'. Mr. Sheldon indicated their intent is that the porch would not exceed the existing walkway, which sits approximately nine and a half feet off the proposed porch line.

The Sheldons answered various questions from the Commission and Ms. Washburn and confirmed the following:

- Their house was built before the current Zoning Regulations (which require a minimum front yard setback of 35 feet) were in place.
- Although not reflected on the plan, there will be steps off the porch that will not exceed past the existing walkway.
- Currently they have two driveways.
- The existing walkway runs to the lower driveway.
- They have city water and sewer.

Mr. Church added that the Sheldon's house is the only one on the street currently without a front porch. He is all for them adding one and noted that their proposed front porch will be further from the road than those of their neighbors.

Mr. Brindamour asked Ms. Washburn her opinion. Ms. Washburn indicated that she recommends approval and referred the Commission to the pictures she included with her inspection report.

Discussion ensued among the Commission members regarding the Zoning Regulations, overall compliance within the neighborhood, potential results and whether a pre-existing non-conformance constitutes an (exceptional) hardship. The Commission further considered the conditions under which they believed they could provide approval along with potential wording, and whether there were any precedents to guide them. Ms. Washburn read aloud the definition of a hardship from the zoning regulations in order to further guide the Commission.

Ms. Washburn added that the last ZBA application (17 Sunset Drive extension) that was approved served as a precedent. She also indicated that this application was duly advertised and should anyone oppose there is a fifteen-day appeal period. The owners also have the right to ask for relief and can appeal to Superior Court if desired should the Commission not provide approval that night.

Mrs. Sheldon thanked the Commission for their time and consideration.

**Motion** was made at 7:03 pm by Richard Oliverson and seconded by Janet Booth to close the Public Hearing. Motion passed unanimously by vote 4-0-0.

#### **Unfinished Business:**

- 1. ZBA 24-001 Matt & Mariette Sheldon, 15 Hamilton Avenue, Map 46, Lot 66, 0.38 Acres, R-10 Zone:** Requesting a variance of section 3.A.5.2.1 of the Zoning Regulations to reduce the minimum front yard setback from 35 feet to 15.6 feet to construct a 10-foot x 16-foot front porch.

Mr. Brindamour stated, in his opinion, pre-existing, non-conforming meets the hardship definition as it is inherent to the property, although it would not result in a disability or exceptional hardship. He added that it is hard to strictly apply the zoning regulations. He also felt a revised plan should be submitted to reflect the correct size of the porch.

A **motion** was made by Richard Oliverson and seconded by Janet Booth to approve the application on the grounds that the property became nonconforming when the three setbacks were changed resulting in an increase in the setbacks. Motion passes unanimously by vote 4-0-0.

Mr. Oliverson followed by saying that a condition should be added requiring an updated plan to match the application and showing the stairs (assuming that 16' x 20' includes the stairs). Ms. Washburn responded there was no need to add that condition; the Commission could approve the plan and leave it at that. Mr. Oliverson added he wanted to ensure the applicants understood they must stay within a 10' x 20' footprint. Ms. Washburn indicated that confirmation/approval will come with her final issuance of the zoning permit.

Mr. Oliverson, having felt there was still unfinished business, makes a **motion** to rescind the previous condition requiring an updated plan. Ms. Booth seconded the motion. Motion passed unanimously by vote 4-0-0.

Mr. Brindamour stated they should include verbiage from the zoning regulations.

Ms. Washburn replied that the standard conditions will come on the zoning permit that she issues afterward. Mr. Oliverson questioned the (10' x 20') disturbance area in consideration of the stairs, with Ms. Washburn replying that anything structural will be checked by the Building Inspector.

Mr. Brindamour added that is not in the purview of the ZBA Commission.

Ms. Washburn clarified that there is no need for a new plan as stairs are allowed to extend into the setback area.

A **motion** to approve the application was made by Richard Oliverson and seconded by Janet Booth in consideration of the property becoming non-conforming when the property setbacks were changed to increase the setbacks. Mr. Oliverson also noted (for the applicants' awareness) that should there be any deviation from the 10' x 20' footprint, the applicants must come back for approval.

**New Application Received:** None.

**Other Business:** Public Act 23-173 has a distinct provision, effective as of October 1, 2023: Section 3 amends CGS § 8-4c to require members of planning commissions, zoning commissions, and zoning boards of appeal to complete a training program only once every four years after initial training, or once during every term if the member's term of office is longer than four years, and it excuses from the training requirement any member who is either (i) a licensed Connecticut attorney-at-law with four or more years of experience on any such commission or board, or (ii) a land use enforcement officer.

Mr. Brindamour read off the agenda the information provided in reference to updated Commissioner training requirements. Ms. Washburn indicated that she would send information pertaining to UConn Clear to Mr. Oliverson and Mr. Masopust.

**Budget Update:** The Commission reviewed the budget provided and voiced no concerns.

**Adjourn:** A **motion** was made at 7:29 pm by Adam Brindamour and seconded by Richard Oliverson to adjourn the meeting. Motion passed unanimously by vote 4-0-0.

Terry Mahanna, Recording Secretary