

ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES

The Brooklyn Zoning Board of Appeals held a public hearing and special meeting on Monday December 1, 2014 at 7:00 p.m. at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT on the following:

Present: Dan Ross, Brien Kroeger, Jim Grzesiak, Bill Macnamara and Bruce Parsons.

Staff Present: Jana Roberson, AICP, Land Use Administrator, Audrey Cross-Lussier, Recording Secretary.

Also Present: Harry Coman and Kathy Mitchell.

Absent: None.

Call to Order: The meeting was called to order at 7:03 p.m.

Seating of Alternates: None.

Approval of Minutes: Special Meeting Minutes November 6, 2014.

A motion was made by Brien Kroeger to accept the meeting minutes from November 6, 2014. Jim Grzesiak seconds this motion. No discussion held. All in favor. The motion passes.

Public Hearing:

Reading of Legal Notice: Chairman Ross reads the legal notice into record and opens the public hearing at 7:05 p.m.

1. ZBA14-001 of Harry Coman and Kathy Mitchell, 9 Sunset Lane, Map 49, Lot 6 & 7, RA Zone; Requesting a variance to construct 12' x 24' front deck (pergola) and request a front yard setback reduction from 50' to ~39' and a side yard setback reduction from 40' to ~32'; to construct a 8' x 25' side deck and request a rear yard setback reduction from 50' to ~41' and a side yard setback reduction from 40' to ~4.5'; to construct an enclosure for an oil tank (lean-to) and request a front yard setback from 50' to ~37.5' and request a side yard setback reduction from 40' to ~3.66'.

Mr. Coman, property owner, read the following hardship into the record: The house has been immediately adjacent to the property line for approximately 30 years, and as a result in its existing location creates a unique challenge for the structural improvements we would like to

make. Because of the structures pre-existing proximity to the boundary line, our proposed decks and oil tank enclosure would fall within the required side and rear yard setbacks.

In addition to the boundary constraints, we are further impeded by the location of the septic tank and leach field that are installed in the front yard between the house and the lake.

The backyard is negligible as its only 7 feet wide and 100 feet long and would be unable to accommodate a deck of any usable proportion.

The area on the north gable end of the house provides us with parking. So the only locations available to build our decks are on the south gable end and the front side of the house that faces the west.

The location of the proposed decks would also enable us to convert them for convenient handicap access for our eventual retirement.

The desired location of the oil tank enclosure is in the back of the house. Its present location is also pre-existing condition, and we believe its position was selected to minimize the distance between the tank and the furnace that's located inside the house.

We would like to enclose and insulate the tank to keep the oil tank from coagulating in cold weather, thereby reducing the chances of losing our heat.

Also, the open area between the house and oil tank created an ideal location for leaf and moisture build up that caused the siding to decay and rot over time.

Also, we think the enclosure would improve the visual quality of the backyard, thereby creating a more desirable harmony with the natural surroundings. Thank you.

Chairman Ross opens the floor for any questions.

Brien Kroeger asked if we have a copy of the statement. Chairman Ross stated yes.

Chairman Ross asked how many lots the applicants own. Ms. Mitchell stated that they own two lots. Ms. Roberson stated that the current tax maps show there are two lots; the trailer is right on the edge of the property line which is completely on Lot 6, Lot 7 is the larger lot. For zoning purposes, this is considered one lot; however, the Tax Assessor has them as two records.

Bill Macnamara asked the applicants how long they have lived there. Mr. Coman stated they bought the property two years ago and starting fixing it with the regards to moving there at a later date.

Kathy Mitchell speaks to the placement of the upgraded septic and leach field in the front yard as being a boundary restraint which is the only buildable area on the lot.

Ms. Roberson reviews with Commission members a map depicting (in green) where the proposed additions are and (in black) front/rear/side yard setbacks. The front and the rear yard setbacks are both 50 feet and the side yard setback is 40 feet. The trailer is entirely within the setbacks of side yard primarily, but is also in the front yard setback. Discussion ensued.

Bill Macnamara discusses the practical difficulties with regards to the front deck, side deck and the enclosure for the oil tank (lean-to). Discussion ensues.

Jim Grzesiak asks if there was any correspondence from abutting neighbors. Mr. Coman stated that no one has responded and the certificate of mailing receipts has been submitted for the record.

Chairman Ross closes the public hearing at 7:19 p.m.

A motion was made by Bruce Parsons to start the discussion on the public hearing. Brien Kroeger seconds this motion. All in favor. The motion passes unanimously.

Mr. Parsons feels that based on the information presented this evening, there is a legitimate hardship for the owners of the property and does not see any reason why it should not be improved.

Mr. Kroeger has no objection and feels that the owners have the best interest in mind for the property and the surrounding area.

Mr. Grzesiak comments that the whole area has been non-conforming.

Mr. Macnamara sees the practical difficulty for the oil tank (lean-to) and the 12 x 24 front deck, but does not see the practical difficulty for the 8 x 25 side deck. Discussion ensues.

Bruce Parsons withdraws his previous motion.

A motion was made by Brien Kroeger to approve ZBA14-001 of Harry Coman and Kathy Mitchell, 9 Sunset Lane, Map 49, Lot 6 & 7, RA Zone; Requesting a variance of Article 3, Section 3-2 of the Brooklyn Zoning Regulations to construct 12' x 24' front deck (pergola) and request a front yard setback reduction from 50' to ~39' and a side yard setback reduction from 40' to ~32'; to construct a 8' x 25' side deck and request a rear yard setback reduction from 50' to ~41' and a side yard setback reduction from 40' to ~4.5'; to construct an enclosure for an oil tank (lean-to) and request a front yard setback from 50' to ~37.5' and request a side yard setback reduction from 40' to ~3.66' was approved on the grounds that:

1. Exceptional difficulty or unusual hardship exists on the lot because the only area of the property that complies with zoning setbacks is occupied by the septic system and is therefore unbuildable, and,

2. The proposal is in harmony with the general purpose and intent of the Zoning Regulations with due consideration for conserving the public health, safety, convenience, welfare and property values.

Jim Grzesiak seconds this motion.

Vote was taken: In favor Dan Ross, Brien Kroeger, Jim Grzesiak and Bruce Parsons. Not in favor Bill Macnamara. Four members in favor of granting a variance and one member not in favor of granting the variance (4-1). The variance is granted.

Other Business:

1. Scheduling of meeting dates for 2015 to be filed with Town Clerk.

Commission Members discussed meeting dates for year 2015. All members agreed to have one regular meeting on Monday, January 5, 2015, at 7:00 p.m. at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT.

A motion was made by Jim Grzesiak to have a regular meeting on Monday, January 5, 2015. Brien Kroeger seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Adjourn:

A motion was made by Bill Macnamara to adjourn the meeting at 7:35 p.m. Jim Grezsiak seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary