

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a regular meeting and public hearing on Tuesday, January 5, 2023, at 6:30 p.m. at the Clifford B. Green Memorial Meeting Center, 69 South Main Street, Brooklyn, CT as well as virtually via ZOOM on the following:

Members Present: Bruce Parsons, Lucien Brodeur, Stephen Mylly and Bill Macnamara via ZOOM.

Members Absent: Adam Brindamour with notice.

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer via ZOOM.

Also Present: Paul Archer of Archer Survey and Kevin Wilder, homeowner.

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

Seating of Alternates: None.

Approval of Minutes: Lucien Brodeur made a motion to approve the Special Meeting Minutes from, December 1, 2022 as written. Stephen Mylly seconded this motion. No discussion held. All in favor. The motion passed unanimously.

Election of Officers: Lucien Brodeur motioned for Bruce Parsons to be Chair, seconded by Stephen Mylly All in favor; motion carried.

Bruce Parsons motioned for Lucien Brodeur to be Vice Chair, seconded by Stephen Mylly All in favor; motion carried.

Reading of the Legal Notice:

Chairman Parsons read the legal notice into the record.

Public Hearings:

1. **ZBA 22-006 316 Allen Hill Road – Map 33 Lot 91-2- Kevin Wilder.** Section 3.C.5.2.2: Setback standards for minimum side yard setback. Reduce side yard setback from 40 feet to 20 feet for an after-the fact in-ground swimming pool.

Paul Archer of Archer Surveying - Representing Mr. Wilder homeowner. States that they take offence. Mr. Wilder did get was granted a permit to put a pool in. The original permit had the pool had the pool orientated a different way than it was to be installed. When they

were installing the pool, they came across an electrical line which changed the location of the pool. Margaret Washburn required an as-built to determine the as-built location. They don't feel a variance is needed. However, the only way this will be ended is to get the variance. He feels that this meets the current regulations.

Paul Archer – States that the diagram Kevin Wilder submitted with the permit was 40 feet away from the setback.

Paul Archer – Doesn't believe his client should be in front of the ZBA and have to pay the \$490.00 for the variance. He does agree that he should get an as-built to show the new location of the pool. A denial letter should have been issued by the zoning officer; however it has not been issued. So that an appeal can be done, and that Kevin Wilder can request a refund.

Lucien Brodeur – Asked do you want to table this so you can ask for a denial letter.

Bruce Parsons – Asked is it a complete application if there isn't a denial letter? Asked if Margaret refused to give a denial letter. He thought it was a requirement.

Paul Archer – Yes, she would not give him one. Like the other pool variance that came before the commission.

Kevin Wilder - Stated that he received an email from Margaret that he would receive \$100.00 a day fine until the issue was resolved. If spending the \$490.00 was all it costed to resolved this, then that was fine.

Bruce Parsons – If you had stopped installing the pool you would not have a pool. You would have to start all over again.

William Macnamara – What is the date of the regulations are we using, 10/6/22? If it is an accessory building, looking at Section 3.C.5.2 Setback standards for minimum side yard setback is 20 feet.

Paul Archer – Doesn't believe they need a variance because it is 20 feet off the property line.

William Macnamara – If it is not well defined then it needs to be denied according to the regs until we approve it and be classified as an accessory structure. The pool appears to be 21.55 feet over making 1.55 feet beyond the setback.

Margaret Washburn- Swimming pools are not accessory buildings. Explains that only accessory buildings are eligible for setback exceptions. Not all structures are buildings. Swimming pools are not buildings. Swimming pools are not eligible for the same setbacks exceptions as accessory buildings.

William Macnamara – Conversation regarding buildings versus structures regarding pools.

Margaret Washburn – Explains the difference between accessory buildings and structures.

Lucien Brodeur – Is there a difference between above ground pools and inground pools?

Margaret Washburn – Right now the regulations do not discriminate between the two.

Paul Archer – Feels there is a miscommunication between zoning regulations and pools. We will take the variance. The ZBA Commission needs to go to the PZC you have to update the pool regulations because they are not connecting.

Public Hearing Closes

Chairman Parsons closed the public hearing at 6:53 p.m. Motioned by Lucien Brodeur seconded by Stephen Mylly All in favor; motion carried.

Unfinished Business:

- 1. ZBA 22-006 316 Allen Hill Road – Map 33 Lot 91-2- Kevin Wilder.** Section 3.C.5.2.2: Setback standards for minimum side yard setback. Reduce side yard setback from 40 feet to 20 feet for an after-the fact in-ground swimming pool.

Lucien Brodeur –The reason for granting the variance of 21.5 feet setback for the pool being installed at a different angle then what was originally proposed is due to a location of an underground electrical conduit. The hardship is due to the mismarking of the underground utilities by Call Before You Dig.

Lucien Brodeur made the above-stated motion as written. Stephen Mylly seconded this motion. No discussion held. All in favor. The motion passed unanimously.

Other Business:

None

Adjourn: Meeting closed at 6:57 pm motioned Lucien Brodeur by seconded by Bill Macnamara all in favor motion carried.

Lisa M Lindia, Recording Secretary