

MINUTES
LITCHFIELD ZONING BOARD OF APPEALS
February 4, 2014, 7:30 p.m.
Town Hall Annex, 80 Doyle Rd., Bantam, CT

Members Present: Chairman Richard Ducci, Jeff Legendre, Brian Donohue, Brian McKernan, Melinda Mennillo, Virginia Dean

Members Absent: Andrew Ide

Chairman Ducci called the meeting to order at 7:30 p.m. and appointed Alternate M. Mennillo to sit as a regular member for Case 14-2-1 and V. Dean for Case 14-2-2. He then explained the order of proceedings for the hearings.

PUBLIC HEARINGS

1. Case 14-2-1 - To discuss and possibly act upon a request for an appeal of Cease and Desist Order dated November 15, 2013 for property at 156 West Street.

Chairman Ducci opened the public hearing at 7:32 p.m. and asked the applicant, Mr. Andrea Angera, Jr. to come forward. Mr. Angera had requested a continuance but Mr. Ducci said the continuance is declined because the appeal is made on a decision based on material already in the record with no new evidence. In opposition to the Cease and Desist Order, Mr. Angera entered into the record a memorandum dated 2/4/14 with 11 attached exhibits. He presented registered letter receipts and submitted them after taking photos for his own record. He will submit a copy of the letter he sent the ZBA at a later date.

There were no questions from the Board, and no members of the public spoke in support of or in opposition to the applicant. Chairman Ducci closed the public hearing at 7:39 p.m.

2. Case 14-2-2 – To discuss and possibly act upon a request for a side yard variance of 7' from Article IV Section 2c, 3b and Enlargement/Addition variance from Article VI, Section 6, subsection 7 for moving old barn & reconstructing with additional 10' for property at 150 South Street.

Chairman Ducci opened the public hearing at 7:40 p.m. and read the case. Green cards, a letter and list were submitted. Attorney Perley Grimes represented property owners Susan and Peter Aziz. John Martin, Architect, was also present. Mr. Grimes explained that the Property is in an R-38 district and has an existing house and barn that needs improvements. Both buildings predate zoning. They would like to rebuild and enlarge the barn in another location on the property and improve it. Mr. Grimes presented an A-1 plan with architect renderings and an S-1 site plan. Next door to the south, the Oliver Wolcott Library's traffic pattern causes headlights to shine on their house as cars exit, despite a fence that is not a light barrier. The barn, moved to the south side of the property, would afford them protection as a buffer, shielding them from the noise and lights from the Library parking lot and driveway. They would need to increase the nonconforming variance by 7'. He passed out "Table of Area and Dimension Requirements" and submitted a Certificate of Appropriateness issued by the Historic District Commission. The Oliver Wolcott Library, which also predates zoning, sent a letter of support for the project. Dr. and Mrs. Mashburn, 144 South St., also sent a letter of support saying it would also shield them from the lights. A third letter endorsing the project dated 2/2/14 came from K. Milano and Mr. Inselbuch, who live just north of the Mashburn's. Mr. Grimes closed by commenting that this is a special circumstance that would not affect the public welfare adversely, but is a practical difficulty and hardship for the Aziz family due to the traffic and lights at the Library.

Following were questions from the Board. Brian McKernan asked about the usage of the barn. Mr. Grimes replied it was used for normal storage items and once had an apartment upstairs. Mr. Martin said there are no rights of way on the side yards. Susan Aziz said the picket fence has spaces between the pickets, so it is not answering the problem.

No members of the public spoke in support or opposition. There were no further questions from the board. Chairman Ducci closed the public hearing at 8:03 p.m.

REGULAR MEETING

3. Consider Case 14-2-1: Mr. Ducci said the Cease and Desist Order was issued 11/15/13. The ZBA may reverse or affirm the prior decision made by the Zoning Enforcement Officer. They recognized that the ZEO has already made a decision based on information on file at the time. The Chairman said there is no need for a continuation. The container box is a construction trailer and needs a permit, and the Cease and Desist was based on this. The Board members believed the ZEO acted appropriately and according to laws and made the best decision. The Chairman noted that Mr. Angera may remedy the situation and avoid the fine by removing the trailer and may then apply for a permit for a building.

Motion: B. McKernan moved to affirm and uphold the ZEO's decision in Case 14-2-1 to issue the Cease and Desist Order for 156 West St. since there was no attempt to remove the trailer by the homeowner. M. Mennillo seconded the motion, all voting members voted aye, and the motion carried.

4. Consider Case 14-2-2: Chairman Ducci affirmed it as a unique situation, as the library entering traffic does not affect the home on the south side. B. McKernan said it looks like a nice plan and solves the problem of improving the barn and blocking traffic and noise from the library.

Motion: B. Donohue moved Case 14-2-2, 150 South Street, to approve increasing the nonconforming variance to 7 ft. for reconstruction and moving of a barn based on hardship of nonconforming use of the lot currently with setbacks that are out of compliance as well as the hardship of the unique situation of the library lighting, results of commercial property next door. B. McKernan seconded the motion, all voting members voted aye, and the motion carried.

5. Approval of Minutes of December 3, 2013: Motion: M. Mennillo moved to approve the minutes of December 3, 2013 and B. Donohue seconded. All voted aye and the motion carried.

Chairman Ducci presented a copy of the budget and a letter from Attorney Steven Byrne with a ruling regarding waiving special exception requirements.

Adjournment: Motion: V. Dean moved to adjourn at 8:24 p.m. and M. Mennillo seconded. All voted aye and the motion carried.

Respectfully submitted,



Ann D. Combs
Recording Secretary