

ZONING BOARD OF APPEALS
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF AUGUST 26, 2010

MEMBERS PRESENT: Peggy Boyajian, Vice Chair
Vin Avino, Secretary
Robert Green
Kuhrt Bidorini, Alternate

MEMBERS ABSENT: Warren McDermott, Chair
Stephen Caron

OTHERS PRESENT: Stephen Lowrey, Zoning Enforcement Officer & Wetlands Agent
Applicants

CALL TO ORDER

Ms. Boyajian called the meeting to order at 7:47p.m. in Council Chambers. She explained the two-part process of the meeting.

MOTION: Vin Avino/Robert Green motion to open the Public Hearing. Motion was unanimously approved. Ms. Boyajian confirmed that all members had visited the sites of the applications and she seated Kuhrt Bidorini for Stephen Caron. She also noted that the two applications would be taken out of order this evening.

PUBLIC HEARING

1. ZBA #10-8-Betty Webber: Appeal from a Cease and Desist Order regarding the use of property and building at 124 Browns Bridge Road. Mr. Green recused himself from this application. Ms. Boyajian noted that without Mr. Green there are only three members present that could hear this application and it is not enough members to vote. This item was therefore tabled until the September meeting. Mr. Lowrey said he would mail new notices to property owners within 100' of the property in the application.
2. ZBA #10-7 – Kevin Havard: 23 Mountain Spring Road. Variance from Sec. 170-37.F to allow construction of an addition to the house to be 10' from the southerly property line, where 25' are required. Kevin Havard of 23 Mountain Spring Road was present for this hearing. He turned in notices of receipts to his neighbors. He explained that he wants to square off the back of his house, which is a 1929 cottage structure with a cement pad placed behind the house. This would result in the corner of the house being closer to the property line than already exists. He said he cannot build on the pad the way it is now, as it is not a full foundation and the Building Inspector said he would need to construct a frost wall.

Mr. Avino read the legal notice for the Public Hearing. He also explained that there are normally five ZBA members present, but that there are only four tonight, and that in order for a variance to be granted, four affirmative votes would be required. This means that Mr.

Havard would need a unanimous vote if they voted tonight. Mr. Avino told Mr. Havard that he has the option of either having them vote this evening or waiting until next month when they should have a full Board. Mr. Havard said he was okay with having a decision made this evening.

Ms Boyajian asked Mr. Havard if the back portion of the addition would be one- or two-story. Mr. Havard said it would be just one story.

Mr. Bidorini asked what would be the exact amount of the variance required. Mr. Havard was uncertain. Mr. Lowrey said the town does not have a good map of this property, but they do have a map of the neighboring Bach property which has a building on the lot. Measuring from the Bach building to the property line and utilizing air photos, Mr. Lowrey said he made a best estimate that Mr. Havard would need a variance to allow the addition to be 10' from the property line. He said if the Board approves a variance, they could specify the purpose of the variance in granting it.

There were no comments or questions from the public.

MOTION: Vin Avino/Robert Green to close the Public Hearing. Motion was unanimously approved.

MOTION: Vin Avino/Robert Green to open the Business Meeting. Motion was unanimously approved.

BUSINESS MEETING

1. ZBA #10-7 – Kevin Havard: 23 Mountain Spring Road. Variance from Sec. 170-37.F to allow construction of an addition to the house to be 10' from the southerly property line, where 25' are required.

MOTION: Vin Avino/Robert Green to grant a variance from Sec. 170-37.F at 23 Mountain Spring Road to allow an addition to be built no closer than 10' from the side property line as necessary to square off the house and put in a frost wall. The hardship is due to the position of the house on the lot and the need to do structural improvements. Motion was unanimously approved.

Mr. Lowrey said he will put an ad in the paper about the variance approval and mail Mr. Havard the variance. He would expect this to be done by next Tuesday. Mr. Havard must then file the variance on the land records and apply for a building permit. Mr. Havard asked if this variance would be permanent. Mr. Lowrey said it would be permanent. However, he must file the variance on the land records within a year of the ad placement or the variance would be void. Ms. Boyajian said the variance stays with the property.

ACCEPTANCE OF MINUTES

MOTION: Vin Avino/Robert Green to accept the minutes of the July 22, 2010 meeting. Mr. Avino, Ms. Boyajian and Mr. Green voted to approve. Mr. Bidorini abstained. Motion passed.

ADJOURNMENT

MOTION: Vin Avino/Kuhrt Bidorini motion to pay the clerk. Motion was unanimously approved.

MOTION: Vin Avino/Robert Green to adjourn the meeting at 8:05 P.M. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk