

ZONING BOARD OF APPEALS
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF MAY 27, 2010

MEMBERS PRESENT: Warren McDermott, Chair
Peggy Boyajian, Vice Chair
Vin Avino, Secretary
Robert Green
Stephen Caron

MEMBERS ABSENT: Kuhrt Bidorini, Alternate
Mark Robertson, Alternate

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

CALL TO ORDER

Mr. McDermott called the meeting to order at 7:30p.m. in Council Chambers. He explained the two-part process of the meeting and confirmed that all members had visited the site.

MOTION: Peg Boyajian/Robert Green motion to open the Public Hearing. Motion was unanimously approved. Mr. Avino read the legal notice into the record.

PUBLIC HEARING

1. ZBA #10-3 – Mark & Brenda Stupcenski: 62 Evergreen Drive. Variance from Sec. 170-85.C.2 to allow construction of an above ground swimming pool to be 61' from the front property line of Angela Drive where 75' are required.

Mr. Avino read a May 22, 2010 letter from Jeffrey and Christine Cassarino of 16 Angela Drive to the ZBA Chair into the record. The letter expressed their support of the requested variance. Mark and Brenda Stupcenski attended the hearing. Mr. Stupcenski said they are requesting a variance on the location of their pool because the location they have chosen is close to the house and would be in the full sun without having to cut down any trees. He said if the pool was placed perpendicular to the home, the grade of the property would present a safety issue.

Mr. McDermott said that when he visited the property, he noted that some construction appears to have been started in back. Mr. Stupcenski explained that he originally brought in to the town offices a drawing with a sketch of where the pool was to be located. He had gotten the mistaken impression that he was given approval to put the pool in and did not realize at first he needed to get a variance. He had started trenching out the area to get to grade. Ms. Stupcenski said they also realized that they had measured the distance incorrectly when determining the front property line setback.

Mr. McDermott said he recognizes that with a corner lot, you don't really get a back yard, but rather two front yards, in their case from Angela and Evergreen Drives, which can make it difficult to meet setback requirements. Ms. Boyajian noted that the drawing provided shows the pool will be 12' off the back of the house. Mr. Stupcenski said it is really 16' to 20'. He said the existing fencing will come down and they have a raised patio behind the pool. He said he will be moving the fencing down behind the shed. He also said the pool cannot be put in on the other side of the lawn because that is where the septic and leaching field is. He said the pool will be completely behind the garage and not visible from Evergreen Drive.

Ms. Stupcenski said there is room to put the pool farther back, but that would present a safety issue. Ms. Boyajian noted that even if they did so, they would still have the issue with side yards, so there really is no way to mitigate the variance they need. Ms. Stupcenski also turned in the receipts for the letters mailed to neighbors.

MOTION: Stephen Caron/Robert Green to close the Public Hearing. Motion was unanimously approved.

BUSINESS MEETING

MOTION: Peg Boyajian/Robert Green to open the Business meeting. Motion was unanimously approved.

1. ZBA #10-3 – Mark & Brenda Stupcenski: 62 Evergreen Drive. Variance from Sec. 170-85.C.2 to allow construction of an above ground swimming pool to be 61' from the front property line of Angela Drive where 75' are required.

MOTION: Peg Boyajian/Stephen Caron to grant a variance from Sec. 170-85.C.2 to allow construction of an above ground swimming pool to be no closer than 61' from the front property line of Angela Drive, where 75' are required. The hardship is because 62 Evergreen Drive is a corner lot, and because of the topography of the land and location of the septic system. Motion was unanimously approved.

Mr. Lowrey said he will get an advertisement for the variance granted to the newspaper and will try to get the variance into the mail so they will have it by Tuesday. Or, he said, they can pick up the variance in the Planning Office. He noted that the Stupcenski's have all the structural information they need for the pool and they also have sanitarian approval.

ACCEPTANCE OF MINUTES

MOTION: Peg Boyajian/Robert Green to approve the minutes of the March 25, 2010 meeting. Motion was unanimously approved.

GENERAL

Mr. McDermott noted that they will be getting a new alternate to replace Mark Robertson as Mr. Robertson informed him he has other commitments that would make it necessary for him to arrive at any of their meetings about twenty minutes after the start.

ADJOURNMENT

MOTION: Vin Avino/Stephen Caron to adjourn the meeting and pay the clerk at 7:50p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk