

TOWN OF WARREN
ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING MINUTES
WEDNESDAY, JULY 22, 2020 – 7:30PM

Via Zoom Video Conference

Those Present: Members Richard D. Valine, Chair; Raymond W. Furse, Vice Chair; and Richelle Hodza (by telephone). **Those Excused:** Members George S. Githens and William L. Hopkins; and Alternates Robin K. Ploch and Thomas A. Paul. **Others Present:** Joanne Tiedmann, Zoom video conference host and monitor; First Selectman Angevine

1. CALL TO ORDER and SEATING OF ALTERNATES

Mr. Valine called the meeting to order at 7:35 p.m. noting that three regular voting members were present which constituted a quorum.

2. PUBLIC HEARING

Mr. Valine opened the public hearing in the matter of David C. Litke, 7 North Kent Road – Request for variance of Section 6.6.1 of the Warren Zoning Regulations to allow construction of an 8 foot high privacy fence in the side/back yard setback along 144’ of the north border of the subject property.

Mr. Litke reviewed his application before the commission stating that the recent building of a pickle ball court and a children’s outdoor play structure, as well as a reduction of the buffer of trees along the north border had caused him to want to build a privacy fence. Because the land slopes down toward Mr. and Mrs. Litke’s property, the six-foot high fence allowed by the regulations would not offer sufficient visual and aural protection from the neighbor’s activities [at 15 North Kent Road], thereby reducing the Litkes’ ability to enjoy their own property.

Mr. Furse asked Mr. Litke to further explain elements shown in photographs he had submitted with the application. Ms. Hodza asked for clarification on the topography and whether a full two feet was needed over and above the six feet permitted by the regulations. Mr. Litke clarified the photographs and the lay of the land.

Mr. Valine asked if there were any members of the public who wished to speak. Ms. Joann M. Marsh of 4 Cunningham Road voiced her support (by telephone) of the proposed fence. There were no other members of the public present.

Mr. Furse made a MOTION to CLOSE the PUBLIC HEARING at 8:06 p.m.

Ms. Hodza asked that the legal notices and their dates of publication be read into the record. Ms. Tiedmann, Town Clerk, obtained same and read it. The place of the public hearing was published as “Town Hall, 50 Cemetery Road,” and did not indicate that the meeting would instead be held by Zoom. Ms. Hodza explained that the legal notice was also published on the Town’s website per the Governor’s Executive Order 7I.19.c. (Dated March 21, 2020); however, it was published six days in advance of the hearing, not the required ten. Mr. Angevine, *ex officio*, stated that he had spoken to the Town’s attorney and that so long as the Litkes understood the issues with the legal noticing, they could elect to go ahead with the public hearing. It was noted that although the neighbors who share the property line at issue had been properly noticed by certified mail, no response had been received.

The Litkes stated that they understood the possible ramifications of the possible improper legal noticing; they elected to continue.

Mr. Valine SECONDED the MOTION on the floor to CLOSE THE PUBLIC HEARING. All were in favor, the MOTION PASSED.

3. APPROVAL OF MINUTES

MOTION to APPROVE the minutes of the regular meeting held on Wednesday, December 11, 2019 by Ms. Hodza. SECOND, Mr. Furse. All were in favor; the MOTION was APPROVED.

4. NEW BUSINESS

Discussion and possible decision on **David C. Litke, 7 North Kent Road** – Request for variance of Section 6.6.1 of the Warren Zoning Regulations to allow construction of an 8 foot high privacy fence in the side/back yard setback along 144’ of the north border of the subject property.

Mr. Valine asked for the Commission’s thoughts on the request. Mr. Furse raised the issue of a questionable hardship and would have liked to have had the northerly neighbor’s input. Ms. Hodza stated that neither reasonable noise from a neighbor nor aesthetic displeasure is considered a hardship; however, given the topography as represented by the Litkes, a taller fence might be reasonable. Ms. Hodza lamented not having viewed the property, relying on testimony from the applicants and their photographs. Ms. Hodza wondered whether a full 8 feet in height was necessary across the 144 linear feet of fencing proposed. Mr. Valine echoed the sentiments of Mr. Furse and Ms. Hodza; adding that he was convinced by the photographs which indicated a significant change in elevation, thus warranting the need for a taller fence.

Mr. Valine asked if there were any additional concerns. Mr. Furse made a MOTION to APPROVE the variance of Section 6.6.1 of the Warren Zoning Regulations such that a fence 8 feet in height along 144 feet of the northerly border of 7 North Kent Road could be constructed. A SECOND was made by Mr. Valine. The MOTION was APPROVED UNANIMOUSLY.

5. **OLD BUSINESS.** None

6. **OTHER BUSINESS PROPER TO COME BEFORE THE BOARD.** None.

7. ADJOURNMENT

Mr. Valine invited a motion to adjourn until the next regular meeting. Mr. Furse MOVED to ADJOURN at 8:18 pm. Ms. Hodza SECONDED. All were in favor, the MOTION PASSED.

Respectfully Submitted,



Richelle Hodza,
Member, ZBA,
Recording Secretary, *pro tem*

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