

TOWN OF WARREN
Minutes of a Special Meeting of the
Zoning Board of Appeals
held Wednesday, November 18, 2015, 7:30 pm
in the Land Use Office of the
Warren Town Hall at 50 Cemetery Road

PRESENT were Chair Jon P. Garvey; Vice Chair M. Trisha Barry; Mr. George S. Githens, Mr. William L. Hopkins, Mr. Rick D. Valine; Ms. Stacey M. Sefcik, Zoning Enforcement Officer; **ABSENT** were Mr. Peter C. Brodhead, Mr. Ray Furse, Ms. Nancy A. Florio, and Recording Secretary Ms. Richelle Hodza.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

Chairman Garvey called the meeting to order at 7:33 p.m. No alternates were needed.

2. PUBLIC HEARING

Dolores Schiesel, Esq. for **Timothy and Regan Palmer, 117 North Shore Road** – Request for 20-Foot Variance of Section 6.2.4 to Construct Detached Garage in the Western Side Yard Setback.

Ms. Sefcik read the published public notice which ran in *The Republican American* on November 5 and 11, 2015. Ms. Sefcik confirmed that she had in her possession a photograph of the signage placed at the property. Applicant's attorney produced notices to abutting neighbors. Ms. Sefcik had not yet received the letter of agency authorizing Ms. Schiesel to act on behalf of the Palmers.

Dolores "Lori" Schiesel of Cramer & Anderson for the Palmers stated that the applicants wanted to construct the garage as noted on the plan after having consulted an architect and engineer. A hardship exists because of the configuration of the lot. It is narrow and there are many wetlands in front of the house, and behind the wetlands is the septic system. The area behind the house is open, but it has a well, a rock wall, and a wide swale, which is a relatively wide drainage area which, in the spring, is full. The other concern is that if the property ever needed a new septic a finding suitable place for it would be difficult because of the locations of the existing well, septic, and wetlands. The garage is a reasonable accessory use that would be expected with a single family house. The applicants' plan tries to minimize activity on the rear side of the garage. The side of the garage with just a roof would be visible to the neighboring property. The odd configuration of the lot, the locations of the well and the septic, and the depth and width of the swale make for unusual characteristics that create a hardship.

Chairperson Garvey wanted to know why the garage couldn't be moved easterly. Ms. Schiesel explained that if it were, the use and enjoyment of the back yard would be significantly reduced. Ms. Sefcik stated that she had spoken with Thomas Stansfield of the Torrington Area Health District who had no significant concerns, unless there was to be a footing drain, noting that most garages do not, being constructed on a poured slab. Mr. Hopkins wanted to know why the garage couldn't be moved twenty feet so that it would be entirely within the setback. Other members concurred. Ms. Schiesel stated that the back yard would be impinged upon. Mr. Githens wanted to know why a culvert couldn't be installed to replace the swale. Ms. Schiesel indicated that such a solution may create other kinds of, or additional problems for, the Inland Wetlands Commission and the Torrington Area Health District. Other members said that TAHD would have to approve the plan anyway.

Chairperson Garvey opened the meeting to the public, inviting comments, concerns, and questions.

Ms. Corrinne Green spoke for herself and her sister Ms. Renée Stewart owners of the abutting property at 121 North Shore Road. They were opposed to the request for variance and referred to a three-page letter dated November 16, 2015, which they had sent to the Inland Wetlands Office. A copy of the letter is available for public review in the Land Use office. Ms. Green stated that she did not believe there was an unusual hardship because a garage could be built without a variance were it built twenty feet to the east. She also stated that any so-called hardship was not created by a unique condition because other lots in the area are similar in shape. She stated further that if there were only five feet between the garage and her property line, there would not be room to install an appropriate natural buffer. Additionally, the variance would not be in the interest of general harmony nor serve general conservation, but rather be only for the benefit of the Palmers, and be detrimental to the value of nearby properties. Ms. Green also stated that the Palmers were not being deprived reasonable use of their property and that granting the variance would significantly and adversely affect the value and future use of her own property.

Ms. Stewart spoke briefly concurring with her sister's statements and adding that Ms. Carolyn Klemm, a longtime real estate agent in the area had written a letter dated November 16, 2015 stating that in her professional opinion, the value of the Green-Stewart property would be diminished were the requested variance granted.

Ms. Schiesel noted that Mr. Palmer was willing to provide and maintain a natural buffer if that were a condition of granting the variance.

Ms. Renée Stewart, resident of Middleburg, Virginia, and co-owner of 121 North Shore Road with her sister questioned the need for a two-story garage. Ms. Schiesel stated that it would serve as a home office when the owners, who live in Minneapolis, Minnesota, were using the house for extended periods.

Ms. Schiesel summarized the applicants' position restating, among other things, that there is a hardship owing to the configuration and topography of the lot including, but not limited to the location of the present septic system, a swale, and a backyard. Additionally, the applicants believed the proposed garage would be in keeping with the character of the neighborhood already established.

Others restated the position, to wit, moving the garage twenty feet to the east, is not only possible, but not require a variance.

Chairman Garvey asked if there were any more comments from the commission or the public. There were none. Ms. Barry made a MOTION to close the Public Hearing at 8:27 p.m. Mr. Githens SECONDED the motion. The motion CARRIED.

3. APPROVAL OF MINUTES

Chairman Garvey asked if there were changes to the minutes from the October 28, 2015 regular meeting. Some members wanted more time to review them. Mr. Valine made a MOTION to table the minutes from October 28th until the next meeting. Mr. Hopkins SECONDED the motion. All were in favor and the minutes were tabled.

Chairman Garvey asked the commission if it had any changes to the minutes from the September 16th meeting, noting that he himself identified an error on Page 5 which read "Mr. Garvey stated that his reason for opposing the denial of the variance was because he did not like to see a "perfectly good" building torn down." It was not he, but Mr. Githens who made that statement. No other amendments

were requested. Mr. Hopkins made a MOTION to accept the minutes of the September 16th meeting amended as stated by Chairman Garvey. Ms. Barry seconded the motion. The motion CARRIED.

4. OLD BUSINESS

Dolores Schiesel, Esq. for **Timothy and Regan Palmer, 117 North Shore Road** – Request for 20-Foot Variance of Section 6.2.4 to Construct Detached Garage in the Western Side Yard Setback.

Chairman Garvey asked if there was as motion regarding the application. Vice Chairperson Barry made a MOTION to deny the application. It was SECONDED by Mr. Valine.

Chairman Garvey asked if there was further discussion. Ms. Barry stated that her reason for denying the application was because the garage could be built elsewhere within the setback, even though it was not the most desirable location for the applicant. Mr. Garvey agreed with Ms. Barry, seeing no hardship. Mr. Githens also agreed adding that, he is in the business of planting trees, and it would be impossible to plant enough and/or sufficiently tall trees as a buffer. Mr. Valine concurred with the others. Mr. Hopkins also agreed and reiterated that other options for the location of the garage needed to be visited by the applicants.

Chairman Garvey asked for a vote. All were in favor. The application was unanimously DENIED.

5. NEW BUSINESS

Chairman Garvey made a MOTION to cancel the regular meeting scheduled for Wednesday, December 23rd owing to the Christmas Holidays, and to hold a Special Meeting on Wednesday, December 16th in its stead. Ms. Barry SECONDED, and the motion CARRIED.

6. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD

No other business was evident.

Mr. Valine made a MOTION to adjourn the meeting at 8:37 p.m. Mr. Hopkins SECONDED. All were in favor, the motion CARRIED.

Respectfully Submitted,



Richelle Hodza, Clerical Assistant to
the Zoning Enforcement Officer

An audio recording of the entire meeting is available at the Warren Town Hall Land Use Office. The next meeting of the ZBA is **Wednesday, December 16, 2015 at 7:30 p.m.**