



Town of Griswold



28 Main Street
Griswold, CT 06351
Phone (860) 376-7060, Fax (860) 376-7070

**DRAFT
FOR DISCUSSION
ONLY**

**GRISWOLD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES**

JUNE 2, 2010

GRISWOLD TOWN HALL

I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order

Theodore Faulise, Chairman, called this meeting of the Griswold Zoning Board of Appeals to order at 7:05 p.m.

2. Roll Call

Present: Theodore A. Faulise, Ronald Jodoin, William Przylucki, Alternates Louis Demicco, III, Maryann Manning, Duane Button, Recording Secretary Donna Szall

Absent: Dorothy Doucette, Ronald Anthony

3. Determination of Quorum

T. Faulise appointed M. Manning to sit for R. Anthony and L. Demicco to sit for D. Doucette. There was a quorum for this regular meeting of the Zoning Board of Appeals.

4. Matters Presented for Consideration

A. ZBA 15-10 Woznica, Casimir, P.O. Box 339, Voluntown, CT 06384. Property location: 170 Mackin Drive, Griswold. Requesting relief from Town of Griswold Zoning Regulations Section 10.4 to reduce the left side yard requirement from 30 ft to 0 ft and in order to construct a 12 ft. x 28 ft. garage. The property is zoned R-60.

T. Faulise stated that this application was continued due to formalities associated with notification of abutters. He asked if the applicant was present. G. Glaude, Surveyor with Killingly Engineering Associates representing the applicant. He stated that the plans had not been included to the abutters last month. He submitted a revised set of plans dated 6/1/10 to the board. He submitted the abutters' notifications to the board.

G. Glaude explained that the property is located on 170 Mackin Drive on a 0.42 acre lot that is an existing non-conforming lot from 1965. He explained that the board granted a variance for a garage and sunroom. He state that the request for a variance to reduce the side from 30 ft. should have been from 15 ft because the sheds are accessory structures and that the reduction to 0 should be two feet which is the reason for the revised plans.

T. Faulise stated for the record that Duane Button arrived at 7:05 p.m.

G. Glaude explained that the 12 x 20 wooden shed and 8 x 10 metal shed were installed by the applicant and we are requesting relief for those sheds. He explained the hardship as a parcel that was created in 1968 and predates zoning adopted in 1978 and so the lot size is a pre-existing lot of record. He stated that they are asking for a 2 ft. variance for the shed that houses tools, lawn mowers and bicycles. He asked for questions from the commission.

T. Faulise stated that R. Jodoin arrived at 7:10 p.m.

T. Faulise stated that there is no mention of the metal shed which is a non-conforming shed. G. Glaude stated that there is a metal shed is 10 x 10 listed in 2006 and wooden shed is 12 x 20 was brought in two years ago according to the owner. There were never and permits granted for the sheds. He stated that there is a mislabeling on the agenda

T. Faulise asked the hardships. G. Glaude stated that the location of the septic and that the lot predates zoning and the locations of the wetlands. T. Faulise asked if there was total area coverage. G. Glaude stated that that was granted last time.

L. Demicco had questions about the posting. T. Faulise asked if it was noticed as a garage. There was discussion of this matter.

M. Manning asked if those are just being moved over on to the property.

T. Faulise read the application for the record that it is for a 12 by 28 ft. shed and that you are requesting that the side variance should be 15 ft for accessory structures down to 2 ft. T. Faulise explained that accessory structures can be half of 30 ft. or 15 ft. T. Faulise stated that the metal shed was not posted on the legal notice and the application does not state a metal shed on the application. There was discussion of this matter including that the wooden shed was built on site and the metal shed was added two years ago.

T. Faulise stated that we can only act on what appeared in the legal notice and what is on the application. He asked if there was anyone to speak in favor of the application. He asked if there was anyone opposed. Mr. Spiess stated that he was opposed until something is done about the metal shed at the same time so that it is all off his property. G. Glaude stated that the metal shed is on the property line and the wooden shed is about 2 ft over the property line. He stated that we can move both of the shed and come back for a variance for the metal shed; or it will be removed by the zoning enforcement action.

T. Faulise asked why there were no complaints before now. Mr. Spiess stated that he new roughly where the line was and has lived there 40 years. He stated that at the back side of Mr. Woznica's property there are boats that hang over on to his property. G. Glaude stated that we would be willing the come back for the shed. T. Faulise stated that we can condition the approval that the metal shed be moved the 2 ft with the wooden shed. There was discussion of this matter.

T. Faulise asked for any one for or opposed to the application. Hearing none, he closed the public hearing and asked for discussion by board members. He stated that a motion was needed to address the concerns of the abutter for the metal shed and it can be approved with a condition that the metal shed be moved at the same time as the wooden shed.

L. Demicco made a motion to grant the variances as amended from 15 ft to 2 ft. for the 12 x 28 foot shed with the condition that the metal shed that is on or near the abutter's property line be moved to no less than 2 ft. from the property line. He stated that the metal shed can still require a zoning enforcement action. W. Przylucki seconded the motion. All were in favor. The motion was carried.

B. ZBA 17- 10 Dziadul, Kenneth, 596 Bethel Road, Griswold, CT 06351. Requesting relief from Town of Griswold Section 10.2.2 in order to reduce the minimum distance between rear lot property lines from 50 ft. to 47.65 ft.

T. Faulise asked if the applicant was present. Ken Dziadul was present. Jonathan Boots, Boundaries, LLC was representing K. Dziadul. He submitted the abutters' notifications to the board. He submitted a revised plan to the board. He explained that in 2001 Mr. Sorensen constructed a concrete patio, pool and fence on the lot using the original pins. He stated that this caused the installations to encroach on to Mr. Dziadul's property. J. Boots explained that a survey was done by Boundaries in 2009 showing that the original pins were not properly placed so that the patio, pool and fence were actually encroaching on the Dziadul property. There was discussion of this matter.

J. Boots stated that they are requesting that the property line be reduced from 50 ft. to 47.65 ft. T. Faulise asked if the whole line would be moved. J. Boots stated the property line will jut out for approximately 364 sq. ft.

T. Faulise asked if there was anyone to speak in favor. Mr. Sorensen stated that the pool was put in 1996 and not 2006. T. Faulise asked if there was anyone opposed. Hearing none, he closed the public hearing and asked for discussion from the board.

T. Faulise stated that it was an error when the pool was installed using incorrect pins or an incorrect survey. He stated that this is correcting the error and will help the property owners. He asked for a motion. L. Demicco made a motion to grant the variance as presented. W. Przylucki seconded the motion. All were in favor. The motion was carried.

C. ZBA 18-10 Higgins, Norman & Judith, 206 Pleasant View, Jewett City, CT 06351. Requesting relief from Town of Griswold Section 10.4 to reduce the right side yard requirement from 30 ft. to 10 ft. in order to construct a 15 ft. by 15 ft. addition and to reduce the right side yard requirement from 30 ft. to 16 ft. in order to construct a 20 ft. x 22 ft. addition. The property is zoned R-60

T. Faulise asked if the applicant was present. Norman Higgins presented his application to the board. T. Faulise asked for the abutters' notifications. N. Higgins submitted the two abutters' notifications and a third one as a courtesy. He submitted photographs of the site. He explained that the hardship is that the original zone was an R-20 then it was an R-40 and now it is an R-60.

He explained that he is replacing the Bilco cover with an entry way because he is finishing his basement and the new entry way will make the finished basement more accessible. This addition will be done immediately. He explained that the second addition will be to expand the bedroom and to create another bathroom and dressing room. He stated that a tree must be removed before construction.

H. Higgins stated that this project still requires approvals from the health department for a new septic and leaching field location. T. Faulise asked if there was sewage there. N. Higgins stated that the well is in the back of the house and the septic is in the front of the house. T. Faulise asked if he owned the 13 acres in the back and there is a right of way. N. Higgins stated that there is a 50 foot right of way on the south boundary. T. Faulise stated that that right of way acts as a natural buffer to the property to the south. T. Faulise asked about Lot 182. N. Higgins stated that Lot 182 is his property on a separate deed. N. Higgins stated that as a courtesy he notified the property on the opposite side of Lot 182. He stated that the property across the street is zoned commercial.

T. Faulise asked if there was anyone to speak in favor. He asked if there was anyone opposed.

Pamela Reinholtz stated she owned the property next to Lot 182. She stated that in the Zoning Regulations on page 3 and reading Section 2.2 and Section 2.2.2 for record, she stated that the applicant does not meet the requirements and this should be reviewed by the commission with a site plan. She stated that there was no permitted applied for. T. Faulise stated he would not get a permit from us. He stated that Mr. Higgins asking for a variance of the zoning regulations; and that the zoning enforcement officer will issue a zoning permit. T. Faulise stated he is here for a variance because he does not meet the regulations. P. Reinholtz stated that any variance definition is any person whose application for a permit is denied. T. Faulise asked if he applied for a building permit. N. Higgins stated that because she does not abut the property, she has no legal standing; he was only being courteous in notifying the Reinholtz.

T. Faulise stated that we have to go by what is before us. He is asking for a variance for 10 feet and 16 feet and there are certain conditions that must be met which are 30 ft. on the opposite side of your property. He stated that the application process is that if you do not meet the regulations, a variance is obtained by ZBA to waive the literal requirement of zoning. There was discussion of this matter. T. Faulise asked P. Reinholtz if she had any opposition other than technical questions. P. Reinholtz stated no. T. Faulise read Section 17.2 for the record giving the ZBA their authority to vary the zoning regulations based on CT General Statutes Sections 8-6 and 8-7.

T. Faulise closed the public hearing and asked for discussion. He stated that the abutter had concerns with the technical formality so the application process. He stated that we are concerned with the set back changes. R. Jodoin stated that there is a lot more involved beside the variance. T. Faulise stated that the parcel is unique in characteristics and the property owner has a right of way to the right that creates a buffer. He' stated that the property across the street is commercial property. W. Przylucki stated that the zones have change four times since the house was built.

T. Faulise asked for a motion. L. Demicco made a motion to grant the variance as presented. R. Jodoin seconded the motion. All were in favor. The motion was carried.

5. Old Business

A. Approval of the minutes from April 7, 2010.

T. Faulise stated that there is a correction that D. Button was seated and not M. Manning. R. Jodoin made a motion to approve the minutes as corrected. W. Przylucki seconded the motion. All were in favor. The motion was carried.

6. New Business

There was no new business.

7. Correspondence

8. Adjournment

R. Jodoin made a motion to adjourn. L. Demicco seconded the motion. All were in favor. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary