



Town of Griswold



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

GRISWOLD ZONING BOARD OF APPEALS

REGULAR MEETING MINUTES

MAY 4, 2011

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 7:00 p.m.

2. Roll Call

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

3. Determination of Quorum

There was a quorum for this regular meeting of the Zoning Board of Appeals. Ronald Jodoin recused himself from this item the continuation of ZBA 11-11.

4. Matters Presented for Consideration

- A. **ZBA 11-11: Henn, John, 214 Geer Road, Griswold, CT 06351.** Continued from 4/6/11. Requesting relief from Section 10.3 of the Griswold Zoning Regulations for side yard setback requirement of 15 feet reduced to 0 feet for an accessory 24-foot diameter above-ground pool. The property is zoned R-60.

T. Faulise asked if the applicant was present and we had asked him to get more information about the property lines. John Henn stated that he found information that the road in question was 34 feet wide but they don't know where it starts at 34 feet wide. He stated that he had paperwork in a 1975 selectmen's meeting it was voted to discontinue the section of road as a highway. T. Faulise stated that he was concerned with the variance for the distance from the property line. He asked if this was expensive. J. Henn stated that it was a \$1,500 pool.

D. Doucette asked if he was amiable to extending the hearing so that more information can be gotten. R. Anthony stated that the first selectman is having the town planner and some others looking into the legality of the road and where it is, the dimension and if the hearing is extended there may be more information. T. Faulise stated that we can grant the variance on the set back from the legal property line. J. Henn stated that if it starts five feet over the line there will be 10 feet to spare. T. Faulise stated that at a town meeting the abandonment of the road was turned down.

T. Faulise asked if the road was 35 feet instead of 50 feet, do you need the variance. J. Henn stated that it will still be close to the property line. T. Faulise asked If J. Henn knew if property was on the town road now. J. Henn stated yes, the septic system and the deck. There was discussion of this matter including that the pool has been put up and taken down twice already.

T. Faulise stated that the applicant has requested to extend the public hearing to the next meeting on June 1, 2011. D. Doucette moved to approve the request that the public hearing be extended to the next meeting. R. Anthony seconded the motion. All were in favor. The motion was carried.

John Sweet had a point of order. He asked if he could speak on this. T. Faulise stated that the public hearing has been extended to next month and asked if J. Sweet would have anything more to add. There was discussion of this matter. J. Sweet asked if the date was June 4. T. Faulise stated that it would be June 1st. This public hearing is continued to June 1, 2011.

B. ZBA 12-11 Luther, Joshua & Beth, 418 Rixtown Road, Griswold, CT 06351. Requesting relief from Town of Griswold Zoning Regulations Section 10.4 to reduce the right side yard requirement from 50 feet to 35 feet in order to construct a 25 ft. by 32 ft. garage. The property is zoned R-80.

T. Faulise asked if the applicant was present. Joshua Luther was present and submitted the abutters' notifications to the board. T. Faulise asked him to explain when he is asking for a variance. J. Luther explained that we a building an attached garage and an accessory apartment above it. D. Doucette asked if there was living quarters upstairs. T. Faulise asked if it was an in-law apartment. J. Luther stated yes. T. Faulise explained that that is a zoning matter and that there are certain conditions for accessory apartments. J. Luther explained that he spoke with Carl in the office.

J. Luther showed the location of the garage on the plan. R. Jodoin stated that he looked at the site and that there is not other location for the garage because of the location of the septic system. T. Faulise asked how long the house was there. J. Luther stated that it was in 1984. T. Faulise stated that there probably was a zone change because it is now an R-80 zone. R. Anthony asked if the hardship was because of the septic system. J. Luther stated yes.

T. Faulise asked if there was anyone to speak in favor. Ransom Young stated that he approved of the application for the garage. T. Faulise asked if there was anyone opposed. He stated that there was no correspondence either for or against in the file. He asked J. Luther was the value of the garage would be. J. Luther stated that it would be approximately \$50,000. T. Faulise stated that it would be an enhancement of the property values.

T. Faulise closed the public hearing and asked for a motion. D. Doucette made a motion to grant the variance as presented. W. Przylucki seconded the motion. All were in favor. The motion was carried. He explained the 15 day waiting period after the notice appears in the newspaper.

C. ZBA 13-11 Gwiazda, Stephen R. & Patricia A, 67 Osga Lane, Griswold, CT 06351. Requesting relief from Town of Griswold Zoning Regulations Section 10.4 to reduce the right side yard requirement from 15 feet to 10 feet in order to construct a 20 ft. by 30 ft. metal building. The property is zoned R-60.

T. Faulise asked if the applicant was present. Stephen Gwiazda was present and submitted the abutters' notifications to the commission. S. Gwiazda stated that he wanted to replace a temporary canvas structure with the metal building. He explained because of the location of the septic system, this is the only location of the metal structure. D. Doucette asked if the metal structure is the same dimensions as the canvas structure. S. Gwiazda stated that it was 2 feet wider and 1 foot longer and the metal building door opening is wider to be able to drive in to put the equipment inside.

T. Faulise asked how far is the canvas building away from the property line; are you extending into the non-compliance. S. Gwiazda stated that it would be 1 foot closer and a foot closer to the driveway. The new building will be set on stone and anchored into the ground so that if he had to put the septic system there, the building could be removed. There was discussion of this matter including that the side yard will still be thirty feet and the house and canvas structure are non-conforming already.

T. Faulise asked if it would be on a slab or foundation. S. Gwiazda stated that it will be on stone at ground level. T. Faulise asked if it is a carport structure. S. Gwiazda stated that it is totally included with a 10 ft wide garage door opening and a regular side door. He showed the board a photograph of the metal structure. There was discussion of this matter including that the height of the structure will be either 13 ft. high with an 8 ft. door or 15 ft. high with a 10 ft. door.

T. Faulise asked why it cannot be moved over 5 feet to be in compliance. S. Gwiazda stated because of the location of his driveway.

T. Faulise asked if there was anyone to speak in favor of the application. T. Faulise asked if there was anyone opposed to the application.

Paul Madonna and his wife Theresa, 63 Osga Lane, we have been neighbors for eleven years and that they are objecting to the metal shed. We have spoken with S. Gwaizda and requested that the metal building to be moved ten feet closer to the road. He stated that they have submitted a letter to the structure. He explained that the canvas structure is shielded by their hemlock trees and they would like the metal building to be moved so that it will be shielded by their hemlocks from their house. He stated that Mr. Gwaizda was not in agreement.

P. Madonna explained that Mr. Gwaizda's driveway is unpaved and that he felt that Mr. Gwaizda did not have a hardship. He stated that Section 11 prohibits metal buildings and they base their objection on this too. He stated that if Mr. Gwaizda would move the building 10 feet. He stated that the building is not attractive to look at. R. Jodoin asked if the hemlocks belonged to Mr. Madonna's trees. P. Madonna stated yes.

D. Doucette asked that you would have no objection to the metal building provided that they move the building 10 feet closer to the road. P. Madonna stated yes.

T. Faulise stated that there is a letter from Theresa and Paul Madonna in the file and the members have copies. T. Faulise stated that there was a letter relating to an interpretation sent by the Zoning Enforcement Officer. He read the letter for the record. P. Madonna stated that the interpretation was wrong and not supported by statutes. There was discussion of this matter.

S. Gwaizda stated that the letter just read said that it was permitted or not permitted. T. Faulise stated that there are metal buildings all over town; and this letter references commercial structures. D. Doucette asked what Mr. Gwaizda's hardship was if he was to move the building. S. Gwaizda explained that the existing building is 6 feet back from the hemlocks and he does the plowing on the road and the snow needs to be pushed back further especially after this winter and the snow has to be on his property and be able to drive out. He stated that there is a grade with and that the road that sits higher than his property. T. Faulise asked if s. Gwaizda was willing to move it closer. S. Gwaizda stated only if he has no choice. There was discussion of this matter.

There is no one else to speak for or against the application, there are no other neighbors present; and there is no other correspondence in the file. T. Faulise explained that planning and zoning is to protect the applicant and the neighbors; and when there is an objection we take it seriously, and the requirements of the hardship, and subjecting the town to any legal challenges for granting variances without a legal hardship. R. Anthony stated that the building cannot be brought closer to the driveway. S. Gwaizda stated that driveway is close to the structure now and there isn't room to turn when plowing snow. T. Faulise stated that that hardship was not a good reason because everyone has to plow the snow.

T. Faulise stated that we can mediate to move the building ten feet closer to the road. R. Jodoin would like to see them come to an agreement. T. Faulise stated that you can amend or withdraw on the record and you meet the front yard setback. P. Madonna stated that they would gladly withdraw if they can come to an agreement. There was discussion of this matter.

T. Faulise closed the public hearing after both parties reached an agreement and asked for a motion with a stipulation regarding this variance. D. Doucette made a motion to grant the variance with the stipulation that the metal building be moved 10 feet west closer to Osga Lane, no more that 73 feet which is 10 feet from the center of the road and the west end of the shed not to extend more than 30 feet. R Jodoin seconded the motion. All were in favor. The motion carried.

T. Faulise explained the 15 day waiting period after the notice appears in the newspaper.

5. Old Business

A. Approval of the minutes from April 6, 2011.

T. Faulise asked for any correction or omission to the minutes. D. Doucette made a motion to accept the minutes as presented. R. Anthony seconded the motion. All were in favor. The motion was carried

6. New Business

There was no new business.

7. Correspondence

8. Adjournment

T. Faulise asked for any other business. R. Jodoin made a motion to adjourn. W. Przylucki seconded the motion. All were in favor. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary