

Town of Andover, CT
Zoning Board of Appeals

Town Hall Community Room at 17 School Road, Andover, CT

Wednesday, July 17th, 2019 at 7:00 PM

Regular Meeting and Public Hearing Minutes

1. Call to Order

Caren Osborne called the meeting to order at 7:06 P.M.

2. Roll Call/Seating of Alternates

Members Present: Caren Osborne, Bill Desrosiers, Kathleen Skorka, Walter Weir, Dennis Williams

Alternates Present: Gerard Crème

Members/Alternates Absent: None

Applicants Present: Donald and Lisa Roser

Applicant Representative Present: Mark Giggie of MHI Building and Remodeling

Public Present: Colin McNeil

Zoning Agent Present: John Valente

Board Clerk Present: Amanda Gibson

3. Additions/Changes to the Agenda

None.

4. Public Participation

None.

5. New Business

a. Applicant/Owner Donald and Lisa Roser, 241 Lake Rd. Map 43, Block 43, Lot 198 for Two Additions:

1. Front of building right side 25' required, variance for 12' reduction requested. Left side 25' required, variance for 12' reduction requested. (3 season back porch)

2. Rear of Building Right side 25' required, a variance for a 5' reduction requested. Left side 25' required a variance for 8.5' reduction requested. (front deck)

Caren Osborne Opened the Public Hearing at 7:08 P.M.

Mark Giggie of MHI Building and Remodeling represented the applicants and presented plans:

- Announced that it is not an obtrusive addition to the property. Rebuilding the porch on the back and building a deck on the front. Applicants are asking for an extra 12' on one side and 4' on the other.
- Variance is for a hardship since the property lot line is only 50' wide and the setbacks are 25'. Cannot even stand up a piece of plywood. Existing property is nonconforming.
- Caren Osborne stated they are not changing the current width of the house.
- Bill Desrosiers inquired on the property dimensions. Mark Giggie confirmed that the driveway is a right of way therefore the lot looks wider than it actually is.

John Valente announced that the letters had been sent to the neighbors via certified mail, Public Hearing sign was placed on the lawn and staking around the proposed construction was done.

Applicant announced that a brand new septic and well has just been installed as they are trying to do take all of the right steps.

Bill Desrosiers asked John Valente if there is room for a back-up septic. John Valente said a back-up system is not required. Only time a reserve system is required is during new construction and it disappears once you receive your certificate of occupancy. It is required to show a system satisfactory for a two bedroom home. This is a one bedroom home with no reserve system.

Zoning Agent John Valente announced he emailed copies of Zoning Board of Appeals regulations. Board Clerk Amanda Gibson gave printed copies to the members.

- Referenced Section 22.0.4 which discusses when the board can issue a variance.
- Informed the ZBA members that there have been approximately 104 variances in the last 35-40 years in the Town of Andover and 90% of variances are in the lake area.
- Referenced the 'Powers and Duties with Regard to the Consideration of a Variance': Applicants with variances are the most common matters brought before the ZBA. ZBA is the only municipal agency that can vary the application of the zoning regulations in particular cases. This case presents a modest addition. Read aloud, 'One seeking a variance from...'. Reid v. Zoning Board of Appeals, 235 Conn. 850, 857 (1996).

Caren Osborne closed the Public Hearing and Re-Opened Regular Meeting at 7:20 P.M.

Dennis Williams believes the facts represented are valid and the application should be approved.

Walter Weir MOVED to approve the application for Donald and Lisa Roser, 241 Lake Rd. Map 43, Block 43, Lot 198 for Two Additions:

1. Front of building right side 25' required, variance for 12' reduction requested. Left side 25' required, variance for 12' reduction requested.
2. Rear of Building Right side 25' required, a variance for a 5' reduction requested. Left side 25' required a variance for 8.5' reduction requested.

Bill Desrosiers SECONDED

Discussion: Members confirmed the hardship is a nonconforming lot.

MOTION CARRIED 5:0:0

John Valente stated that the Town of Andover is very fortunate to have Mark Branse as the town's land use attorney. Mark Branse will be hosting a training session for the new Zoning Board of Appeals members after Labor Day. They will invite neighboring towns.

John Valente discussed future possibility of instituting a Special Permit through the Planning and Zoning Commission to ensure no issues and less Zoning Board of Appeals meetings.

- Caren Osborne announced that if that would be instituted, then ZBA would not be required to host a Public Hearing therefore saving funds and time of all involved.

- b. Board to take vote on acting Chair with possible election of officers.

Board to add item Election of Officers on the next Regular Meeting agenda.

Caren Osborne announced the Regular Meetings are always the third Wednesday of the month only if there is action to be made. Board Clerk Amanda Gibson to send out a save the date email two weeks prior to the meeting. Members to RSVP for every meeting. The board hosts no formal site walks, the members are to visit property individually prior to the meeting.

- 6. Old Business
None.
- 7. Public Participation
None.
- 8. Commission Open Discussion
None.
- 9. Administrative Report from Zoning Agent
None.
- 10. Approval of Meeting Minutes

Approval of Wednesday, June 19th 2019 Regular Meeting & Public Hearing Minutes

Walter Weir MOVED to approve the Wednesday, June 19th 2019 Regular Meeting & Public Hearing Minutes

Caren Osborne SECONDED

MOTION CARRIED 5:0:0

- 11. Adjournment
Caren Osborne adjourned the meeting at 7:41 P.M.

Meeting Minutes helpfully submitted by Board Clerk, Amanda Gibson.

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.