

TOWN OF SOMERS ZONING BOARD of APPEALS COMMISSION

MEETING MINUTES

Tuesday November 12, 2013

7:30 p.m.

TOWN HALL

CALL TO ORDER

The meeting was called to order by Chairman Robert Minch at 7:30 p.m. In attendance were Vice-Chair Barbara Flebotte, Secretary Dean Hills, and members Lucas Cherry, Jerry Young, Doug Stebbins and alternate BJ Ferro III.

Audience Members: Olin Grant

I. PUBLIC HEARING

(a) 457 Main Street, Mr. Olin Grant

Mr. Grant is Seeking a variance of 20' from the required 25' of Somers Code Section 214-98 concerning side yard setbacks to build a shed.

Mr. Grant stated that he was in the process of building the shed when he was made aware he needed to seek a variance. Mr. Grant stated that his house, being built in 1961, has a septic system in the front and the septic reserve area is in the back yard. He state that the hardship would be that the shed would encroach upon the septic reserve area if placed 25 Ft. from the sideline. His rear-most backyard, given the proximity to a wooded area, would require trees to be cut down and is sloped. Member Jerry Young asked about where the slope begins to see if an alternate location might be possible. Mr. Grant stated his fence is within one foot of the property line and his shed is 5 feet from the fence in its current location. Chairman Minch postulated whether or not moving the shed so that the requested variance could be amended to 15 feet, verses 20 feet, would be the way to proceed. Member Lucas Cherry discussed the specific location on the schematic. Member Young mentioned there is no neighbor other than the police station parking lot. Member Barbara Flebotte mentioned variances have been granted in the past with similar footage requests. Chairman Minch stated that if there were no more questions, the hearing could be closed and moved into discussion.

II. PUBLIC HEARING DISCUSSION/DECISION

Chairman Robert Minch felt the current shed location was too close to the fence but recognized that the shed assembly had already begun. He also stated the variances have been given for

similarly sought situations with narrow lots. Member Dean Hills felt the shed should be moved 10 feet away from the fence line. Member Lucas Cherry asked what the benefit of that would be. Member Dean Hills stressed the benefit of regularity and suggested a vote. Alternate member BJ Ferro asked about complications with shed location if the septic system is relocated. It was noted that the shed is not a permanent structure and could be moved in the future if that presented an issue with regard to a replacement septic system. Chairman Robert Minch stated that in past practice, applicants have modified applications during the hearing process. The applicant interjected that he wanted clarity on the application process in terms of saving time and not applying all over again. In the interest of saving further delay, Mr. Grant proffered that he could amend his request to reduce the requested footage. Chairman Minch then noted the modification from 20 feet to 15 feet on the application. Member Doug Stebbins made a motion, seconded by Member Cherry, to accept the application as amended.

All in favor, motion carried.

III. NEW BUSINESS

Member Hills asked Chairman Minch to request that the Zoning Commission review the regulations pertaining to non-permanent structures, particularly with regard to the definition of maximum size and line setbacks. The premise being reduced setbacks for non-permanent structures would reduce the amount of variances that would need to be reviewed by the ZBA.

IV. UNFINISHED BUSINESS

(a) ZBA by-laws

Chairman Minch asked members their opinion regarding establishing bylaws. Member Lucas Cherry felt having bylaws may be a necessary measure. Member Stebbins verified that these by-laws are a “living document” and would be revisited annually. Member Flebotte stated she felt the by-laws could be a guide to members. The committee felt that it would be advisable to consider them. Chairman Minch apprised member Dean Hills of recent changes made to terms requiring adjustment to the proposed by-laws. Member Hills suggested that these by-laws be discussed at the next meeting once all members have read a revised copy.

(b) Proposed time limits

Chairman Minch shared his draft of variance time limit to members. His draft had the time limit of 12 months from the time the permit has been issued. He also made the clarification that once the work detailed in the permit has been completed; the variance is *in place* and *runs with the property*. Member Flebotte suggested a change to his draft to reflect §214-105 in the zoning regulations. Chairman Minch asked members to consider this for discussion at another time.

V. CORRESPONDENCE AND BILLS

NONE

VI. APPROVAL of MINUTES

Minutes from August 13th were reviewed by members. Chairman Minch mentioned one misspelling of the name of the applicant "Bailey". Member Lucas Cherry made a motion seconded by Member Doug Stebbins, to approve the minutes as amended.

All in favor. Motion carried.

VII. ADJOURNMENT

Member Jerry Young made a motion, seconded by member Lucas Cherry, to adjourn the meeting at 8:52 p.m.

All in favor. Motion carried.

Respectfully Submitted,

Stephanie Benson
Recording Secretary