

**TOWN OF SOUTH WINDSOR
ZONING BOARD OF APPEALS**

Minutes

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January 7, 2016

MEMBERS PRESENT: James Kupchunos, Teri Dickey-Gagnat, Steven Carty, Wayne Kilburn, Joseph Etter (arrived at 7:38 pm)

ALTERNATES PRESENT: Edwina Futtner
Elizabeth McGuire

STAFF PRESENT: Pam Oliva, Zoning Enforcement Officer
Donna Thompson, Recording Secretary

Chairperson Kupchunos called the public hearing to order at 7:38 pm in the Madden Room.

The Recording Secretary read the legal notice as published in the Journal Inquirer.

Public Hearing

Appl. 2787-15 – Paul Oates - request for a 40 foot variance to Table 3.1.2A of the zoning regulations to allow a 20' x 30' accessory building to be located 10 feet from the rear property line (50 feet required), on property located at 70 Pleasant Valley Road, A-40 Residential zone.

Paul Oates presented the application. Mr. Oates is an alternate on ZBA, but is here only as an applicant. The accessory building Mr. Oates is proposing is for storage of antique tractors. The height of the structure cannot be less than twelve feet shed because of the size of the vehicles. The neighbors do not mind where the shed is placed on the property but prefer it be obscured from the road if possible. The positioning of the structure nearer the rear property line does not impact any neighbors as the abutting land is being used as a cornfield. Mr. Oates would like to place the shed as far back as possible to lessen the impact on the neighborhood. There is no longer a septic system, pool, or garden area in the backyard. The structure could be built within current zoning regulations, but Mr. Oates feels the variance would provide less impact on, and more enhancement to, the neighborhood.

Commissioner Kilburn stated that he does not recognize a hardship for this application.

Motion to: close public hearing at 8:20 pm
Was made by Commissioner Etter
Seconded by Commissioner Dickey-Gagnat
The motion: carried
Vote: unanimous

Deliberative Session:

Appl. 2787-15 – Paul Oates - request for a 40 foot variance to Table 3.1.2A of the zoning regulations to allow a 20' x 30' accessory building to be located 10 feet from the rear property line (50 feet required), on property located at 70 Pleasant Valley Road, A-40 Residential zone.

Commissioners Etter, Carty, and Kilburn all agreed that there is not a hardship unique to this property – the structure could be placed in conformance with current zoning regulations.

Motion to: deny Appl #2787-15, due to lack of hardship
Was made by Commissioner Kilburn
Seconded by Commissioner Etter
The motion: carried
Vote: unanimous

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January 7, 2016

Approval of Minutes:

Motion to: approve minutes of 11/5/2015

Was made by Commissioner Carty

Seconded by Commissioner Dickey-Gagnat

The motion: carried

Vote: unanimous

New Business:

Legal opinion from Town Attorney – see attached. Opinion addressed presentation of an application by a ZBA Commissioner; and the need for a Commissioner to recuse oneself from hearing an application based on the Town's Code of Ethics. Commissioner Kilburn suggested that this legal opinion be included in future ZBA training materials. Commissioner Etter stated that this legal opinion could be attached as an appendix when the by-laws are revised.

Election of Officers

Commissioner Etter nominated Teri Dickey-Gagnat as Chairperson, seconded by Commissioner Kupchunos. There were no other nominations. Nominations were closed. The Chair cast one ballot. The vote was unanimous.

Commissioner Dickey-Gagnat nominated James Kupchunos as Vice Chairperson, seconded by Commissioner Carty. There were no other nominations. Nominations were closed. The Vice Chair cast one ballot. The vote was unanimous.

Commissioner Dickey-Gagnat nominated Joseph Etter as Secretary, Commissioner Etter respectfully declined the nomination. Commissioner Dickey-Gagnat nominated Steven Carty as Secretary, seconded by Commissioner Kupchunos. There were no other nominations. Nominations were closed. The Chair cast one ballot. The vote was unanimous.

Correspondence: Former Commissioner Joseph Kennedy had provided a letter of appreciation for the four years he served on ZBA (his term expired 11/30/2015).

Adjournment:

Motion to: adjourn the meeting at 8:38 pm

Was made by Commissioner Dickey-Gagnat

Seconded by Commissioner Etter

The motion: carried

Vote: unanimous

Respectfully submitted:

Donna Thompson
Recording Secretary

Approved: April 7, 2016