



TOWN OF ROXBURY CONNECTICUT

Zoning Board of Appeals

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

ROXBURY ZONING BOARD OF APPEALS REGULAR MEETING FEBRUARY 18, 2016

MINUTES

CALL TO ORDER

Nanette Falkenberg, Chairperson, called the meeting to order at 8:06 PM.

IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner and Karen Kopta.

Alternates Present: Nancy Schoenholtz

Alternate Nancy Schoenholtz was seated as Regular Member.

Others Present: Elliot Davis and Jeremy Oskandy

A motion was made to adjust the agenda to review New Business to accommodate those present. Motion by Nancy Schoenholtz. The motion was seconded by Judith Kelly and carried unanimously.

NEW BUSINESS

MH Property, LLC., Assessors Map 08 Lot 033, located at 5 Mine Hill Rd.

Case file 2016-0068, for a variance for a proposed historic reconstruction of former train station. Ref: Zoning Regulations variance from 5.3.1(c) – All buildings shall have a minimum of fifty (50) feet from the street line and rear property line and 3.10.4 - No nonconforming building devoted to a conforming use shall be enlarged, extended, reconstructed or structurally altered on the exterior except where the results of such change is to reduce or eliminate the non-conformity.

Karen Kopta questioned the hardship noted on application as "the existing building is to be relocated to allow the former train station to be reconstructed in to its original state. Existing building is nonconforming and the relocation will make it more conforming". She commented that this was a wonderful presentation and feel it is a wonderful project, but wondered if this statement is enough to fulfill the hardship requirement.

Judith Kelly noted that where the application states that the building will be reconstructed to its original state and that they are reducing the nonconformity should be enough to constitute a hardship.

Nancy Schoenholtz and Nanette Falkenberg suggested that the Town Attorney advise whether a hardship is required if the nonconformity is being reduced.

Margaret Miner discussed Mr. Davis' presentation and the fact that the unique hardship is that the road has extended upon this property along with the variety problems of the site that would make it difficult to do anything with the building in its present place. Nancy Schoenholtz agreed and noted that the structure is currently unstable.

Nanette Falkenberg noted that she heard the hardship expressed more clearly in the presentation with regard to the restoration of the building with historical integrity and for the safety of building. Judith Kelly agreed that health, welfare and safety were touched upon in the presentation and are acceptable criteria for a hardship.

A motion was made to approve the variance request for MH Property, LLC., Assessors Map 08 Lot 033, located at 5 Mine Hill Rd. Case file 2016-0068, for a variance for a proposed historic reconstruction of former train station. Ref: Zoning Regulations variance from 5.3.1(c) – All buildings shall have a minimum of fifty (50) feet from the street line and rear property line and 3.10.4 - No nonconforming building devoted to a conforming use shall be enlarged,

extended, reconstructed or structurally altered on the exterior except where the results of such change is to reduce or eliminate the non-conformity. Motion by Margaret Minor, seconded by Nancy Schoenholtz and carried unanimously.

Margaret Minor approved this variance because she feels the request is consistent with long standing goals of the Town, the hardship is associated with the unique condition of property, the proposed use is appropriate for the zone, and the present nonconformity is being reduced.

Judith Kelly agreed with the reasoning presented by Margaret Miner and added that she is also voted to approve this variance as it is in favor of safety for the building and road.

Nancy Schoenholtz agreed with the variance and the reasons presented and added that she is also in favor of restoring the historic nature of the building as well as stabilizing the building.

Karen Kopta explained that the community has watched this building deteriorate. This is an important part of Roxbury's history and it is exciting and important to have a new business in town with a plan for historical accuracy. Therefore, for these reasons as well as reasons previously presented she is in favor of this variance.

Judith Kelly agreed with reasoning presented by Margaret Miner and added that she also is in agreement with this variance as it is in favor of safety for the building and road. This is a wonderful and long overdue project. She admires the enthusiasm and thoroughness of plan. The decrease of nonconformity is an important aspect of this plan. The proposal will aid in the safety of road and increase historic value of the area and town.

Nanette Falkenberg is in favor of this variance for all reasons noted, specifically due to the reduction of the nonconformity and the recognition of historical significance of site.

APPROVAL OF MINUTES

November 19, 2015 Regular Meeting

A motion was made to approve the minutes of the November 19, 2015 Regular Meeting. Motion by Judith Kelly. The motion was seconded by Karen Kopta and carried unanimously.

OTHER BUSINESS

The members agreed that they would like clarification from the Town Attorney as to whether the fact that a property is nonconforming is in itself a hardship. Judith Kelly agreed to work on the application checklist over the course of the next month.

ADJOURNMENT

A motion was made at 8:45 PM to adjourn. Motion by Nanette Falkenberg. The motion was seconded by Margaret Miner and carried unanimously.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary

These minutes are not considered official until approved at the next Meeting of the Roxbury Zoning Board of Appeals