



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 MARCH 17, 2016

MINUTES

CALL TO ORDER

Nanette Falkenberg, Chairperson, called the meeting to order at 8:00 PM.

IDENTIFICATION OF MEMBERS

Members Present: Judith Kelly, Nanette Falkenberg, Margaret Miner and Bill Davies.

Alternates Present: Nancy Schoenholtz and Ed Cady

Alternate Ed Cady was seated as Regular Member.

Others Present: Jean O'Reilly, Chuck Holton, Karen and James Kopta, and ZEO John Cody.

NEW BUSINESS

Jean & Richard O'Reilly, Assessors Map 34 Lot 18, located at 34 Rucum Rd

Case file 2016-0069, variance to add 6' x 12' to first floor bedroom. Ref: Zoning Regulations variance from 3.10.4 Nonconforming property.

Bill Davies reported that he finds no issues with this proposal. This is a common sense addition to a unique property due to how close the road is on both sides and the timeframe in which the house was built.

Margaret Minor felt that the Board should not accept the reason given as a hardship as physical problems are not supposed to be a hardship. There seems to be a clear hardship with the lot. It was noted that safety has been an acceptable hardship for past applications. Ed Cady noted that he did not have difficulty with stairs as a hardship.

Judith Kelly noted that this addition would have a minimal impact, it is a unique lot, and the road was built after the house.

Nanette Falkenberg agreed with all the previous comments. There is nowhere to put an addition on the house that would not increase the nonconformity.

A motion was made by Bill Davies to approve the application of Jean & Richard O'Reilly, Assessors Map 34 Lot 18, located at 34 Rucum Rd. Case file 2016-0069, variance to add 6' x 12' to first floor bedroom - Ref: Zoning Regulations variance from 3.10.4 Nonconforming property- based upon the fact that the house was built long before Zoning Regulations and the road was put in after the house which made it a nonconforming structure. The size of the addition is reasonable and only a small percentage of the current square footage. The motion was seconded by Ed Cady.

Discussion:

Margaret Minor is in favor of this variance for the aforementioned reasons and that this appears to be a unique lot.

Ed Cady is in favor for the reasons stated and due to the occupant's difficulty with stairs.

Judith Kelly is in favor due to the fact that the road was built after house and this would have a minimal impact.

Nanette Falkenberg approves of this variance for all of the reasons stated.

Motion carried unanimously.

Karen Kopta, Assessors Map 22 Lot 001, located at 318 North Street

Case file 2016-0070, variance to remodel and repair an enclosed porch and open porch on the existing footprint. Replacing and upgrading windows and structural support. Ref: Zoning Regulations variance from 3.10.3 & 3.10.4 Nonconforming property.

This application was withdrawn at the public hearing.

APPROVAL OF MINUTES

February 18, 2016 Public Hearing

A motion was made to approve the minutes of the February 18, 2016 Public Hearing as amended. Motion by Margaret Miner. The motion was seconded by Nanette Falkenberg.

Discussion: Under New Business 2nd paragraph the word "feels" was corrected.

5th paragraph the word "of" was added.

9th paragraph the word "is" was deleted.

Motion carried. Cady and Davies abstained.

February 18, 2016 Regular Meeting

A motion was made to approve the minutes of the February 18, 2016 Regular Meeting as amended. Motion by Margaret Miner. The motion was seconded by Nanette Falkenberg.

Discussion: It was added that Jeremy Oskandy is from Arthur H. Howland and Associates, P.C.

Under Questions from the Board the word "the" was added to the 3rd paragraph.

Motion carried. Cady and Davies abstained.

OTHER BUSINESS

The new ZEO, John Cody, was introduced. Chairperson Falkenberg reported that they have discussed the ZEO's formal obligations to the ZBA both with John and with First Selectman Barbara Henry and it has been recommended that since the ZEO/WEO is currently funded by Zoning and Wetlands budget, additional funds will be added to the ZBA's budget to accommodate time devoted to ZBA matters. The Town will be adding an hour per week to the ZEO's position, which will add up to 52 hours per year as of July 1, 2016 if the FY 16/17 Budget is approved by the townspeople. Additionally, Chairperson Falkenberg also spoke with Barbara Henry about having the Town Attorney speak with the Board to better understand the process and what constitutes a hardship. Funds are already in the budget for this. She advised that this Board should organize their questions before they meet with the Town Attorney.

Judith Kelly distributed a revised application checklist. She explained that she tried to reinforce the fact that the applicant has the responsibility of providing information to prove their case for a hardship. The Board questioned whether anything on the checklist could be mandated. The checklist was reviewed and further revised by the Board. Ms. Kopta joined in this discussion.

The Board agreed that the application fee should be returned to Karen Kopta for her withdrawn application if allowable.

The group discussed Zoning Regulations with ZEO John Cody and the reasons why applications come before the ZBA. It was agreed that this matter would also be further discussed with the Town Attorney.

ADJOURNMENT

A motion was made at 9:09 PM, to adjourn. Motion by Bill Davies. The motion was seconded by Ed Cady and carried unanimously.

Respectfully submitted,

Jai Kern

Tai Kern, Secretary