

TOWN OF KENT
ZONING BOARD OF APPEALS
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

BY *Gayle*
TOWN CLERK
2019 MAR 13 P 12:31
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MARCH 12, 2019 REGULAR MEETING MINUTES

The Town of Kent Zoning Board of Appeals held a regular meeting on March 12, 2019 at 7:00 p.m. in the Kent Town Hall.

- 1) Call to Order and Roll Call

Mr. DiPentima called the meeting to order at 7:00 p.m.

Board Members Present: Anthony DiPentima, Chairman; Anne Bisenius, Nick Downes, John Noneman, Patricia Oris, Michael VanValkenburg

Staff Present: Donna Hayes, Secretary/Clerk

- 2) Appointment of Alternates(s) to Voting Status.

Mr. DiPentima elevated Ms. Bisenius to voting status.

- 3) Acceptance or Revision of Agenda

Mr. Downes accepted the agenda as presented. Mr. Noneman seconded and the motion carried unanimously.

- 4) Reading and Approval of Regular Meeting Minutes of November 13, 2018.

Ms. Bisenius moved to approve the Regular Meeting Minutes of November 13, 2018, as submitted. Mr. Downes seconded and the motion carried unanimously.

- 5) Recess Meeting. Convene Hearing:

The hearing convened at 7:02 p.m.

- 5.1. Application #01-19, Eric and MaryEllen Epstein, 1 Chimney Rock Road, relief from §3240, side yard setback, for the addition of second story on the northern side of existing house, Map 9 Block 15 Lot 10.

Mr. Epstein was present to address the Board. He explained that he was applying to add a second story addition over the family room located on the northerly side of his existing house due to a medical issue that might require the installation of medical equipment. The addition would be placed over a section of the existing house that encroaches 14' into the right sideyard setback (§3240 of the current Town of Kent Zoning Regulations).

When asked what his hardship was, Mr. Epstein said that they did look at other alternatives but due to the location of the well and septic, this was the only location that would work. Mr. VanValkenburg pointed out that there is also an intermittent water course that runs east to west on the property that would impact any work on the southerly side of the property. Ms. Bisenius said that she didn't think it was the Boards' call with regard to the encroachment on both the septic and well; that would be under the purview of the Health Department. Ms. Bisenius continued that she felt this was the true hardship.

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6) Close Hearing. Brief Recess

The hearing was closed at 7:08 p.m. and there was no brief recess.

7) Reconvene Meeting. Action on Appeal(s) Heard

Mr. DiPentima called for a motion.

Mr. VanValkenburg moved to approve Application #01-19, Eric and MaryEllen Epstein, 1 Chimney Rock Road, relief from §3240, side yard setback, for the addition of second story on the northern side of the non-conforming, pre-existing house, Map 9 Block 15 Lot 10, due to health issues. Mr. Downes seconded.

During the discussion Mr. DiPentima stated that even though this is a non-conforming pre-existing structure, Mr. Epstein is seeking to expand the non-conforming use which is highly irregular and is frowned upon by the zoning regulations and case law but there is an exception for granting the variance if the Board is so inclined. If a real hardship exists and cannot be alleviated by granting a variance without materially impacting the affect of the zoning regulations, then Mr. VanValkenburg's motion to approve the granting of the variance is warranted due to the illness and that it would not deviate from the overall plan.

Mr. DiPentima said that it was difficult for him because he thinks that the Board needs to be very careful and should adhere more closely to the regulations but the illness of the applicant does create a hardship. Mr. DiPentima called for a show of hands. As a result, the motion carried 4 yay and 1 nay with Mr. DiPentima voting in the negative.

8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

10.1. Monthly Financials – July through January, 2019.

The Board received the information.

10.2. Connecticut Federation of Planning and Zoning Agencies 71st Annual Conference Notification

The Board received the information.

10.3. Connecticut Federal of Planning and Zoning Agencies Quarterly Newsletter Winter, 2019

The Board received the information.

11) Adjourn

The meeting adjourned at 7:19 p.m.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Secretary/Clerk

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