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By Darlene Brady at 10:55 am, Jun 15, 2022

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

REGULAR MEETING MINUTES

The Zoning Board of Appeals held a regular meeting on Tuesday, June 14, 2022, via zoom beginning at 7:00 p.m.

Before the meeting began, Ms. Hayes informed the members present that Ms. Bisenius, Chairman, would not be in attendance at this meeting and designated Mr. Murray as Acting Chairman.

1) Call to Order and Roll Call

Mr. Murray called the meeting to order at 7:02 p.m.

Board Members Present: Daniel Murray, Acting Chairman; Nick Downes, John Johnson, Steve Pener, Justin Potter, Alternate.

Staff Present: Donna Hayes, Secretary/Clerk

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

No alternates were elevated.

3) Acceptance or Revision of Agenda

Mr. Downes moved to accept the agenda as presented. Mr. Pener seconded and the motion carried unanimously.

4) Reading and Approval of Meeting Minutes

4.1. Regular Minutes of December 14, 2021.

Mr. Pener moved to approve the Regular Minutes of December 14, 2021 as presented. Mr. Downes seconded and the motion carried unanimously.

5) Recess Meeting. Convene Hearing

Mr. Potter recused himself from this discussion and left the meeting.

The meeting was recessed at 7:04 p.m. and the hearing convened.

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These are draft minutes and reflect a summary of discussions and respective motions. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

5.1 Application #01-22, Gary Ford and Veronica Lofaso, 10 Lee Circle, Map 5 Block 12 Lot 4, relief from Section #3240, Area and Dimensional Standards, for the construction of an exterior deck with hot tub and storage area.

Ms. Hayes advised the Board that during her conversation with Ms. Bisenius she stated that she was not sure about the project and thought it would be beneficial to table the application so that the members of the Board could do a site walk.

Mr. Gary Thompson of Thompson Construction was present to address the Board. He explained that the plan was to construct a deck with a small storage area and hot tub area at the back of the existing house that would extend into the rear yard setback area by approximately 15'. When asked about the storage area, Mr. Thompson replied that it would have doors on the front but no roof. The area in question is small and unusable and represents the area where the garage joins the main house. Ms. Hayes asked if anything was going to be stored underneath the deck and Mr. Thompson said that the area under the deck will be covered with latch work but there might be an area that could provide some storage.

Mr. Downes asked if the property was part of the Saddle Ridge Farm Association. Mr. Ford replied that it was. Mr. Pener asked if the Association had approved this project and Mr. Ford said that they had. Mr. Downes asked if it would be possible to obtain a lot line revision in order to keep the property in compliance and Mr. Ford said that had not been discussed and he felt if a final survey of the subdivision had been done, this would not be an issue. Because the developer went bankrupt, no final survey was completed. Mr. Pener asked if the adjoining property was part of the open space that is owned by the Association and Mr. Ford replied that it was.

Mr. Johnson said that he had a question on the survey that was submitted and Mr. Ford said that the survey supplied with the application was done prior to the building of the house. Mr. Johnson replied that he will then ignore that part of the application but asked about the steepness of the slope of the adjoining property. Mr. Thompson replied that the area slowly slopes off for about 3' and then drops off steeply into the open space with 1 – 2' contours.

Mr. Johnson asked where the septic was located. Mr. Thompson replied that the septic tank was on the south side and the field was shared with the other residents at the bottom of the hill. The well was located on the north side of the property. It was noted that Torrington Area Health District had given their approval for the deck.

Mr. Thompson commented that this project would have minimal impact to Lee Circle and minimal impact to the neighbors; the only impact would be to the open space. Mr. Ford added that there was no other place to construct the deck since the property was too hilly, the septic tank was located on the southern end and he would not consider putting it in the front yard.

Mr. Downes asked again about a lot line revision to which Mr. Ford replied that would take months, he would have to pay for a formal survey and he has already been working on this project for years.

Mr. Pener asked if the open space was overseen by a land trust. Mr. Ford replied that there are 3 or 4 areas that are overseen by a land trust, but the area in question was not due to the steepness of the hill and the acreage. He continued that this area is maintained as unbuildable open space by the Saddle Ridge Farm Association.

Mr. Johnson asked how big the deck was and Mr. Thompson replied that it was 550 sq. ft. including the hot tub area which was stepped down and could not be seen from Lee Circle. The hot tub area steps down approximately 18" and the rest of the deck is approximately 8" below the first-floor level.

Mr. Ford asked if it would be possible to make a decision at this meeting since he has already experienced multiple delays. He felt the application very straight forward even though it was not easy to visualize.

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Mr. Johnson asked if the house can be seen from Saddle Ridge Road. Mr. Thompson said that it was very difficult. You can see the southern exposure as you come up Saddle Ridge but you could not see the front, east or west sides from Saddle Ridge Road.

6) Close Hearing. Brief Recess

There being no further questions, Acting Chairman Murray closed the hearing at 7:38 p.m. and no brief recess was held.

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

The meeting reconvened at 7:38 p.m.

- 7.1. Application #01-22, Gary Ford and Veronica Lofaso, 10 Lee Circle, Map 5 Block 12 Lot 4, relief from Section #3240, Area and Dimensional Standards, for the construction of an exterior deck with hot tub and storage area.

Mr. Pener commented that he knows this development and that it was designed to create small lots, grouping the houses together in order to provide open space. The house is located on a lot that is a little more than ½ acre and believes that the hardship is actually the subdivision plan that was approved years ago.

Mr. Murray said that disappointment in the use of the property does not constitute a hardship and in situations like this it all depends on how much latitude you want to include in the definition of “hardship”. He asked if this property was so exceptional that it would warrant an approval of the variance.

Mr. Johnson said that in terms of visual impact, this is probably the least impactful area. The deck would be fairly low to the ground and currently screened by Lee Circle and Saddle Ridge Road. He said that he was trying to visualize an alternative which would be to the south but from the point of view of the contractor this location makes sense.

Mr. Murray said that he did not see it as Mr. Johnson did but not has the feeling that there would be no general harm to regulations if the Board were to approve. Mr. Johnson agreed with Mr. Murray. Mr. Johnson continued that the screening from Lee Circle would die sooner or later but that any owner would want to screen the hot tub from Lee Circle and he felt there was no impact on the neighbors.

Mr. Pener commented that the only reason to have setback regulations was to prevent one neighbor from having a negative impact on another neighbor. He continued that in this instance there would be no impact on the neighbors and that this would be the only natural area to build off the house as they are not introducing a new use as there are steps and a small deck there already. He did not feel this increase would not cause much harm.

Mr. Pener moved to accept the proposed Application #01-22, Gary Ford and Veronica Lofaso, 10 Lee Circle, Map 5 Block 12 Lot 4, relief from Section #3240, Area and Dimensional Standards, for the construction of an exterior deck with hot tub and storage area into the setback area not to exceed 15’ from the property line and requires an as-built to be submitted to the Land Use Administrator before a Certificate of Zoning Compliance can be issued. Mr. Murray added that the hardship was the difficulty of building on other areas of the property due to the topography. Mr. Pener agreed. Mr. Johnson asked that a condition be added that requires the submittal of an approval letter from the Saddle Ridge Farm Association. Mr. Pener added that the motion be contingent upon Ms. Hayes receiving a letter from the Saddle Ridge Farm Association confirming that they approve the project. Mr. Downes seconded and the motion carried unanimously.

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8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

10.1 Connecticut Federation of Planning and Zoning Agencies, *Quarterly Newsletter*, Fall 2021, Winter 2022, Spring 2022.

The Board accepted the Connecticut Federation of Planning and Zoning Agencies, *Quarterly Newsletter*, Fall 2021, Winter 2022, Spring 2022 documents and no action was taken.

10.2. Monthly Financials – July 2021 through April 2022

The Board accepted the Monthly Financials – July 2021 through April 2022 and no action was taken.

11) Adjourn

Mr. Pender moved to adjourn at 7:50 p.m. The motion was seconded by Mr. Downes and carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Secretary/Clerk

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