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By Darlene Brady at 10:10 am, Dec 14, 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 via zoom on Tuesday, December 13, 2022, beginning at 7:00 p.m.

1) Call to Order and Roll Call

Ms. Bisenius called the meeting to order at 7:01 p.m.

Board Members Present: Anne Bisenius, Chair; Daniel Murray, Nick Downes, John Johnson, Steve Pener, and Justin Potter, Alternate

Staff Present: Tai Kern, Land Use Administrator
Donna Hayes, Secretary/Clerk

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

No alternates were elevated to Voting Status.

3) Acceptance of Agenda

Mr. Johnson moved to accept the agenda as presented. Mr. Murray seconded and the motion carried unanimously.

4) Reading and Approval of Meeting Minutes

4.1. Special Meeting Minutes of November 15, 2022.

Ms. Bisenius asked that her name be corrected in the 2nd paragraph on page 2.

Mr. Downes moved to approve the Special Meeting Minutes of November 15, 2022, as corrected. Mr. Pener seconded and the motion carried unanimously.

5) Recess Meeting. Re-Convene Hearing

The meeting was recessed at 7:03 p.m. and the Hearing was 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 #02-22, Paul and Angela Yagid, 38 Davis Rd., Map 16 Block 23 Lot 5, relief from Section #3240, Area and Dimensional Standards, for the construction of a 12'x12' study.

It was noted that the applicant had provided the additional information as requested from last month's meeting. The applicant had no further comments. Ms. Bisenius said that having the A2 survey provided a better understanding of the placement of the proposed addition with regard to its location to the property line. Mr. Johnson also acknowledged that the existing shed was placed on the new survey.

Mr. Pener asked about the A2 survey which was done in 2019. He noted that the information was penciled in and the survey was not formally updated to reflect the proposal. Mr. Yagid agreed and stated that the penciled in information is the distance to the property lines. Ms. Kern reminded the Board the applicant would be held accountable for what is being presented and an as-built will be required before a Certificate of Zoning Compliance is issued. Mr. Downes asked if the neighbor's concerns were addressed. Ms. Kern replied that they were looking for an A2 survey which was provided by the applicant. Ms. Bisenius questioned their concern about runoff and Ms. Kern said that is not a concern of the ZBA.

Mr. Pener asked Mr. Yagid what his hardship was and he replied that it was the size of the property. Mr. Pener asked when the structure was constructed and he replied that it was built in 1920 and he took possession in 2019.

Mr. Johnson asked why the addition was not in the back and Mr. Yagid replied that he could not encroach on the existing septic setback. The proposed area is just a flagstone patio set on gravel.

6) Close Hearing. Brief Recess.

Mr. Johnson moved to close the Hearing at 7:11 p.m. Mr. Pener seconded and the motion carried unanimously. No recess was held.

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

The meeting reconvened at 7:12 p.m.

7.1. Application #02-22, Paul and Angela Yagid, 38 Davis Rd., Map 16 Block 23 Lot 5, relief from Section #3240 and lot coverage, Area and Dimensional Standards, for the construction of a 12'x12' study.

The lot coverage was addressed since it was changing from 9.6% to 11.6% total coverage. Ms. Bisenius said that she did not think that the size of the lot was a hardship. Mr. Murray agreed and said that the property was that size when the applicant bought it. Ms. Bisenius said that the lot is unusually small and wondered if it had anything to do with the fact that the structure, at one time, was a school. Mr. Pener said that the lot is a pre-existing, non-conforming lot with a pre-existing, non-conforming structure. He believed that is the hardship and questioned whether or not the increase in the footprint would be an increase in the non-conformity. Mr. Johnson said that the addition is properly sized for the original structure and does not significantly increase the lot coverage. Ms. Bisenius and Mr. Pener agreed and Ms. Bisenius stated that increasing the square footage does not make this structure out of character with the rest of the structures in the area. Mr. Downes stated that he did not have any problem with the application.

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Mr. Downes moved to approve Application #02-22, Paul and Angela Yagid, 38 Davis Rd., Map 16 Block 23 Lot 5, relief from Section #3240, Area and Dimensional Standards, for the construction of a 12'x12' study as this application does not affect the Plan of Conservation and Development. Mr. Pener seconded and during discussion Mr. Pener suggested that the A-2 survey submitted with the application be amended to reflect the revision date for this application and that the Land Use Office request an as-built before the issuance of a Certificate of Zoning Compliance. Mr. Downes agreed to amend his motion reflecting Mr. Pener's suggestion and the motion carried unanimously.

7.2 Application # 03-22, Tobin's Automotive, 15 South Main St., Map 19 Block 13 Lot 3, Certificate of Approval for Motor Vehicle Sales, Services, and Repair Uses.

Mr. Schneiderbeck was present to address the Board. He explained that he is the new owner of the property located at 15 South Main Street. The Department of Motor Vehicles requires a new Certificate of Approval for the purchase of this business prior to the takeover of the business. It is his intention to take over D&S Auto beginning January 1, 2023 and renovations will be made to the structures that are currently on the property. During negotiations with the property owners, the Tobin family gave Mr. Schneiderbeck permission to use their name for this venture.

Mr. Pener asked if this is just a requirement from the DMV and Mr. Schneiderbeck said that it was. Mr. Johnson asked if there were any zoning requirements with regard to the number of cars allowed on the property. Ms. Kern replied that would fall under the purview of the Planning & Zoning Commission.

Mr. Downes moved to approve Application # 03-22, Tobin's Automotive, 15 South Main St., Map 19 Block 13 Lot 3, Certificate of Approval for Motor Vehicle Sales, Services, and Repair Uses as there will be no effect to the Plan of Conservation and Development. Mr. Johnson seconded and the motion carried unanimously.

8) Communications

8.1 Monthly Financials – July 2021 through October 2022

The document was confirmed as received by the Board and there was no comment.

Ms. Kern advised the Board that the letter from the Saddle Ridge had been submitted and the requirement was fulfilled.

9) Adjourn

Mr. Pener moved to adjourn at 7:30 p.m. Mr. Johnson seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes
Secretary/Clerk

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