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By Darlene Brady at 9:08 am, Dec 13, 2023



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, December 12, 2023, beginning at 7:00 p.m. via zoom.

1) Call to Order and Roll Call

Ms. Bisenius called the meeting to order at 7:04 p.m.

Board Members Present: Anne Bisenius, Chairman; John Johnson, Daniel Murray, Justin Potter

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

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

Ms. Bisenius elevated Mr. Potter 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. Regular Minutes of November 14, 2023.

Mr. Johnson moved to approve the Regular Minutes of November 14, 2023, as presented. Mr. Murray seconded and the motion carried unanimously.

5) Public Hearing

The public hearing was opened at 7:09 p.m.

5.1. Application 05-23, Jill Porter Larson and Stephen Larson, 15 Fuller Mountain Road, Map 2 Block 7 Lot 20, relief from Section 3240, Area and Dimensional Standards.

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Ms. Porter, one of the applicants, explained that in 2017 she and her husband were before the ZBA asking for a variance to construct a garage within the front yard setback. This variance was granted. The reason for the variance was due to the slope of the property. The garage was built many years later and when the as-built was created, it was found that the eave on the garage encroached farther into the front yard setback than was originally asked for and approved. The current request is for an additional variance of ~5". Ms. Bisenius asked if the actual size of the garage had changed. Ms. Porter said that the garage itself was built as specified; it is the overhang of the roof line that encroaches on the front yard setback. She said that she wished that more property stakes had been put in. Ms. Porter said that she also supplied some additional photographs.

Mr. Johnson asked why the roof line is being questioned. Ms. Kern explained that the allowance for a roof overhang is 1'; the overhang that was built exceeds that 1'. Ms. Porter said that they were mindful of the setback, but the design was based on how it would look from the roadway and in comparison to their existing home.

Mr. Murray said that he was present during the initial request of the variance and was sorry that they did not ask for some sort of buffer. Ms. Bisenius pointed out that the regulations do allow 1'. Ms. Porter said that she should have asked for a larger relief. Mr. Johnson asked if there were gutters. Ms. Porter said that the roof is a shed roof which drains to the rear of the garage; there is a gravel area which accepts the runoff which is directed to the swale direction water away from their home. Mr. Johnson asked Ms. Kern if gutters would be considered in the setback area; Ms. Kern said that she did not think so as all measurements are done from the structure.

Ms. Bisenius asked when the work was done. Ms. Porter said that the work was done sometime during this summer.

6) Close Hearing. Brief Recess

Mr. Johnson moved to close the public hearing at 7:20 p.m. Mr. Potter seconded and the motion carried unanimously. There was no brief recess.

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

The meeting reconvened at 7:21 p.m.

Ms. Bisenius reminded the Board that this was a previously approved variance, but once the structure was completed it was found that the eaves encroached into the setback. This application was asking for a variance for this new encroachment. Ms. Bisenius noted that the garage was built as indicated.

Mr. Johnson asked if there were any concerns when the variance was first granted. Mr. Murray said that the property is narrow and hilly. The board looked at other possible locations and there were none. The flattest area was where the garage was proposed. Mr. Murray asked if all the neighbors were notified of this current variance; Ms. Kern confirmed that they were.

Mr. Johnson said that while he likes the idea of large eaves, the Board could ask that the eave be cut back to what was proposed. Ms. Bisenius said that the design fits the property. If the garage had been built significantly larger, Ms. Bisenius said that she would be more concerned. Mr. Johnson clarified that he considered asking for the cut back of the eaves, but is not asking for it.

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Mr. Johnson moved to approve Application 05-23, Jill Porter Larson and Stephen Larson, 15 Fuller Mountain Road, Map 2 Block 7 Lot 20, relief from Section 3240, Area and Dimensional Standards because the variance will not negatively impact the existing neighborhood and is in keeping with the Towns Plan of Conservation and Development. Mr. Murray seconded and the motion carried unanimously.

8) Communications

8.A. Election of Officers

Mr. Potter moved to nominate Anne Bisenius as Chairman and Daniel Murray as ViceChair of the Zoning Board of Appeals. Mr. Johnson seconded and the motion carried unanimously.

8.B. Alternate Vacancy term ending 11/18/25 – Appointment Recommendation

Ms. Kern said that she had spoken with Mr. Downes about coming back to the ZBA as an alternate and he was agreeable.

Mr. Johnson moved to nominate Mr. Nick Downes as alternate to the Zoning Board of Appeals for a term ending November 18, 2025. Mr. Murray seconded and the motion carried unanimously.

9) Adjourn

The members of the Board asked Ms. Kern if she could create a sample page of motions that included all the verbiage necessary to create proper motions. She said that she would, but told those present that it would be up to the members of the Board to state the specific reasons for granting a variance on the record based on each application.

Mr. Potter moved to adjourn at 7:38 p.m. Mr. Johnson seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

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Secretary/Clerk

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