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By Darlene Brady at 10:56 am, Jul 28, 2020

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

SPECIAL MEETING MINUTES
Wednesday, July 22, 2020 Via ZOOM

The Town of Kent Zoning Board of Appeals held a special meeting on Wednesday, July 22, 2020 at 7:00 p.m.

- 1) Call to Order and Roll Call

Mr. DiPentima called the special meeting to order at 7:04 p.m.

Board Members Present: Anthony DiPentima, Anne Bisenius, Nick Downes, John Noneman, Dan Murray,
Michael VanValkenburg, Richard Barber (via Zoom)

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

Mr. DiPentima moved to elevate Mr. VanValkenburg to voting status.

- 3) Acceptance or Revision of Agenda

The agenda was accepted as presented.

- 4) Reading and Approval of Meeting Minutes

4.1. Regular Minutes of September 10, 2019.

4.2. Regular Minutes of December 10, 2019.

Ms. Bisenius moved to approve the Regular Minutes of September 10, 2019 and December 10, 2019 as written. Mr. Downes seconded and the motion carried unanimously.

Mr. DiPentima moved to hear agenda item 9.1. at this point in the meeting. Ms. Bisenius seconded and the motion carried unanimously.

- 5) Recess Meeting. Convene Hearing

Mr. DiPentima moved to convene the hearing on agenda item 5.2 at 7:05 pm.

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5.1 Application #01-20, Sarah Hogate Bacon, 90 Beardsley Road, relief from §3240, side yard setback, for the construction of a 21' x 3' addition (approximately 30 sq. ft. in the setback) on the westerly side of the existing garage, Map 17 Block 28 Lot 36.

The hearing convened at 7:39 p.m. with the applicant attending via Zoom and her representative, Ms. Vivian H. Ditisheim, AIA present to address the Board.

Ms. Ditisheim told the Board that the proposal was to extend the back of the existing garage an additional 3' x 26'. Of the 26', only 3' was in the setback area. This was being proposed to convert the existing unheated storage area to a tv area/living space, relocate the washer/dryer, rebuild the existing entrance as it had no foundation and was not energy code compliant and realign the rooflines in order to solve a leaking issue.

Mr. DiPentima commented that the garage is currently non-conforming and that this would expand the non-conformity. Ms. Bacon agreed but said that it would not increase the non-conformity towards 94 Beardsley Road. Ms. Bisenius commented that raising the ridgeline would increase the non-conformity as well. Ms. Ditisheim responded that the increase to the ridgeline would not bring it higher than the existing roofline. She also explained that they would not be expanding beyond the overhand of the existing garage.

Mr. Downes asked if the garage was built in 1790 and Ms. Bacon said that the garage was rebuilt in either 1998 or 1999 due to storm damage.

Ms. Bisenius asked what the hardship of record was. Ms. Bacon replied that the house was very old and predates the current zoning regulations and that the request was being made as an effort to make an old house as livable as possible without infringing on the neighbors.

Ms. Ditisheim reiterated that a portion of the work would be to bring the existing entry way up to the current energy code, make the existing garage more energy efficient and remediate the leakage on the existing roofline. Mr. DiPentima replied that this is really a question of inconvenience. Ms. Ditisheim replied that it would provide a better entrance to the house since the existing one was badly built and cannot be heated. It would also clear up the leaks.

Ms. Bisenius asked if the garage was unfinished space. Ms. Ditisheim replied that it was finished, but not heated. Ms. Bisenius replied that it was not heated because it was a garage to which Ms. Bacon replied that was correct. Ms. Bisenius asked if they had considered putting an addition on to the back of the house since that is where all the property is. Ms. Bacon replied that she did not think it would be advantageous to the property and that she did not want a bigger house; she wanted a way to maximize the space that was already there and she wanted to preserve the open space. Ms. Bisenius replied that the property is 5 acres and that Ms. Bacon could end up with more square footage in a more conforming way. Ms. Bacon said that Kent Hollow is filled with many old houses and that she did not want to deviate from the existing look and integrity of the house.

Ms. Bisenius explained that their charge is to maintain the regulations and while it might be easier for her to understand the enclosure of the building, she could not live with the expansion of the ridgeline because that is an obvious increase of the non-conformity. Mr. DiPentima added that State law prevents the Board from increasing the non-conformity with no justification and that these were self-imposed hardships.

Ms. Bacon responded by saying that she is not sure everything is an increase and that the raising of the roofline would still make it quite lower than the other rooflines. While it is an increase to the non-conformity, Ms. Bacon said that she did not know when she purchased the property that it was non-conforming and believes that these proposals would have a very small impact.

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With no further discussion, the hearing was closed at 8:05 pm.

During the meeting, Mr. Murray stated that this was a self-imposed hardship and not a self-created hardship and used the dock in North Spectacle Lake as an example. Mr. DiPentima stated that was a fair comment but still feels it is a self-imposed non-conformity. Ms. Bisenius stated that she did not think there was any hardship presented to the Board and that there is still 5 acres of land that could present other options. Mr. Murray stated that he was okay with the expansion on top of the non-conforming footprint.

Mr. Murray moved to approve Application #01-20, Sarah Hogate Bacon, 90 Beardsley Road, relief from §3240, side yard setback, for the construction of a 21' x 3' addition (approximately 30 sq. ft. in the setback) on the westerly side of the existing garage, Map 17 Block 28 Lot 36 due to the fact that they are moving into an existing footprint and even though the roof work is minor, it can be rationalized due to the improvements and repair of the leakage. Mr. VanValkenburg seconded.

During discussion Mr. VanValkenburg stated that they were not adding any additional space to which Mr. Downes agreed. Ms. Bisenius stated that by raising the roof and creating heated space they are increasing the amount of living space.

Messrs. Downes, Noneman, Murray and VanValkenburg voted in favor of the application; Mr. DiPentima and Ms. Bisenius voted against. The motion carried.

- 5.2.** Application #02-20, Rocky T. Epting, 71 Kent Cornwall Road, relief from §3240, side, rear and front yard setbacks, for the installation of a 12' x 28' storage building with overhead door on the southerly side of the property, Map 9 Block 15 Lot 32.

Mr. Rocky T. Epting was present to address the Board. He explained that he would like to add a mini-shed to his property. This shed would be placed less than 5' from the southerly property line and would not be on a foundation. He explained that this was the only logical place to put it as his well and the piping from the well to the house is located on the northerly side of the property so the mini-shed could not be placed there. When asked if he could place the mini-shed closer to the house, he explained that there is a bilco door on the south side of the house as well as the entrance to the home from the existing driveway. Mr. Epting further explained that he could not place it in the back due to the proximity to the stream.

Mr. DiPentima asked if Ms. Hayes had gotten any comments from the abutters. She replied that letters were sent to the abutters per the regulations and had not received any comments. Mr. Epting added that he had spoken with Ms. Makris, who is the property owner to the south. Ms. Makris told Mr. Epting that she had no issue with the location of the mini-shed and would be willing to put that in writing if it was necessary.

When asked what his hardship was, Mr. Epting explained that the dimensions and size of the lot, the location of the well and the stream were preventing him from placing the mini-shed in a conforming location.

The hearing closed at 7:22 p.m. and during deliberation Ms. Bisenius commented that it was a tough piece of property with really no place to put the mini-shed. Mr. DiPentima commented that this was a very unusual circumstance and did not see the real hardship. Mr. Murray said that there was a precedent set already by looking at the pre-existing non-conformity of the entire property and the neighboring properties.

Mr. VanValkenburg moved to approve Application #02-20, Rocky T. Epting, 71 Kent Cornwall Road, relief from §3240, side, rear and front yard setbacks, for the installation of a 12' x 28' storage building with overhead door on the southerly side of the property, Map 9 Block 15 Lot 32 stating that this mini-shed would be a temporary structure with no concrete footings and could be removed if needed.

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During discussion, Mr. DiPentima asked Mr. VanValkenburg what the unusual hardship was and Mr. VanValkenburg replied the size of the lot. Mr. Downes seconded the motion and the motion carried with Messrs. Downes, VanValkenburg, Murray and Noneman voting yes and Mr. DiPentima and Ms. Bisensius voting no.

- 5.3.** Application #03-20, John Casey for Kent Green, LLC, relief from §4140, front yard setback, for the installation of generator and two 120-gallon propane tanks on the westerly side of said property, Map 19 Block 42 Lot 8.

The hearing convened at 7:30 p.m. with Mr. Casey presenting to the Board. He explained that he was asking for a variance to place a backup generator and two propane tanks within the front yard setback. The area in question is located between the Ace Hardware and Namoo's restaurant, adjoining the Morrison Gallery property. The purpose of the generator is to serve as a backup electrical source for the sewer pump station that is located on the Kent Green property.

When asked how large the generator was, Mr. Casey replied that it was 2.5' x 4' x 3' high. The area will have bollards and once landscaped will be far more attractive than what is currently there. Mr. Casey commented that the only other location would be in the island directly in front of the Ace Hardware store which is pretty much in the center of the Green.

There being no further discussion, the hearing was closed at 7:35 pm.

Mr. Downes moved to approve Application #03-20, John Casey for Kent Green, LLC, relief from §4140, front yard setback, for the installation of generator and two 120-gallon propane tanks on the westerly side of said property, Map 19 Block 42 Lot 8 as it is in keeping with the POCD and the consideration of public safety and environmental concerns. Mr. DiPentima seconded saying that the application was in keeping with the comprehensive plan. The motion carried unanimously.

6) Close Hearing. Brief Recess

Due to the nature of tonight's meeting, Mr. DiPentima opted to hear each application, close the hearing, reconvene the meeting and make the decision.

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

Due to the nature of tonight's meeting, Mr. DiPentima opted to hear each application, close the hearing, reconvene the meeting and make the decision.

8) Old Business

No action taken.

9) New Business

9.1. Election of Officers

Ms. Bisenius moved to appoint Mr. DiPentima to Chairman. Mr. VanValkenburg seconded and the motion carried with 5 Ayes, 0 Nays; Mr. DiPentima abstained.

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10) Communications

- 10.1.** *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Winter, 2020 Edition*
- 10.2** *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Spring, 2020 Edition*
- 10.3.** *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Summer, 2020 Edition*

All three newsletters were accepted.

11) Adjourn

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Donna M. Hayes, Secretary/Clerk