

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MEETING

April 19, 2022

Present for the online web conference meeting was Chair Callahan, Commissioners Cloud, Schoenhorn and Alternate Commissioners Wiener and Healey (at 7:30pm). Town Planner Rutherford, Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:03 p.m.

Present in the Development Conference Room were Town Planner Rutherford, Assistant Town Planner Daigle and Clerk Michaud. All others were present online.

Secretary Schoenhorn read the legal notice into the record.

Chair Callahan appointed Alternate Commissioner Wiener to vote on behalf of absent Commissioner Walsh for all matters.

PUBLIC HEARING

Jack Kemper – 7 Jordan Lane

Application for variance to reduce front yard setback from 30 feet to 28.6 feet for location of precast hatchway at 7 Jordan Lane, R40C zone. Mr. Kemper provided an update on the progress of work done at the site related to an addition to the rear of the home. When the as-built survey was done they discovered the contractor has not installed the hatchway as shown on the construction plans and the 16-inch encroachment into the front yard setback was discovered. Mr. Kemper stated the lot configuration of this property is much shallower than the lots on the rest of the street and somewhat “pie” shaped. They are seeking the variance for the 16-inch encroachment because they would like not to work on the foundation and risk compromising the integrity of the foundation. David Whitney, PE, spoke to the required drainage work that was done in connection with the larger addition project to the rear of the home. The MS4 regulations required a system of swales, culverts and a small detention basin in connection with the addition. He added the configuration of the hatchway as constructed does not interfere with the drainage. Correspondence was submitted in support of the application from Kelly & John Giamalis at 5 Jordan Lane, Barry & Teresa Luke at 12 Jordan Lane, and Anjanette & Patrick at 10 Jordan Lane. Commissioner Schoenhorn submitted some photos of his visit to the site asking clarification about the drainage design. Next, he commented he had concerns citing *Morikawa v. Zoning Board of Appeals of the Town of Weston*, 126 Conn. App. 400 (2011) that speaks to errors made by a contractor and the nature of self-created hardship. Commissioner Schoenhorn commented the hardship regarding an error made by the contractor is self-created and not a hardship the Board has the authority to support by granting a variance. The remaining Commissioners felt the configuration and shallowness of the lot was demonstrated sufficiently as a hardship and felt the encroachment of the corner of the base of the hatchway into the setback area would not alter the character of the neighborhood.

There was no public comment in favor or in opposition to this application.

The public hearing closed at 7:27 p.m.

Members voting on this application were Callahan, Cloud, Schoenhorn, Wiener.

Upon a motion made and seconded (Callahan/Cloud) it was

VOTED: 3 in favor (Callahan, Cloud, Wiener) to 1 opposed (Schoenhorn) to approve the Jack Kemper application for variance to reduce front yard setback from 30 feet to 28.6 feet for location of precast hatchway at 7 Jordan Lane, R40C zone. The motion failed and the application was denied.

Members voting in favor of the application felt the applicant demonstrated sufficient hardship given the configuration of the lot and the placement of the house on the property. They also felt the request for variance would not alter the character of the neighborhood or cause a detriment.

Alternate Commissioner Healy joined the meeting at 7:30pm and was appointed to vote on behalf of absent Commissioner Nadim for the remainder of the meeting.

Hanna Walczok – 3 Lincoln Street

Application for variance to locate accessory structure in other than required yard at 3 Lincoln Street, R9LG zone. Rich Borek, 3 Lincoln Street, spoke on behalf of the property owner. They would like to install the shed on the side of the house (photo provided) in the general area where a shrub was shown. Mr. Borek spoke to the topography of the lot and the amount of fill that would be required to level an area for the shed. When asked for the intended use of the shed Mr. Borek responded to store a snowblower and lawn mower. The Commissioners asked for clarification on the location but did not express concerns with the request.

There was no public comment in favor or in opposition of the application.

The public hearing closed at 7:39 p.m.

Upon a motion made and seconded (Schoenhorn/Wiener) it was unanimously

VOTED: To approve the Hanna Walczok application for variance to locate accessory structure in other than required yard at 3 Lincoln Street, R9LG zone as presented and on file in the Planning Office.

Members voting in favor of the application agreed the applicant sufficiently demonstrated a hardship.

Joshua Sidoti – 8 Lincoln Street

Application to modify existing variance to enclose previously approved carport with 2 ft side yard setback, 8 Lincoln St., R9LG zone. Mr. Sidoti explained how he obtained a variance for the existing carport November 13, 2017 and was seeking a modification to enclose the carport and create a garage bay. The size will remain the same and will not extend closer to the side property line. He explained difficulty of clearing ice and snow around their vehicle inside the carport. The Commissioners asked some general questions for confirmation on the scope of the request.

There was no public comment in favor or in opposition to the application.

The public hearing closed at 7:49 p.m.

Upon a motion made and seconded (Schoenhorn/Cloud) it was unanimously

VOTED: To approve the Joshua Sidoti application to modify existing variance to enclose previously

approved carport with 2 ft side yard setback, 8 Lincoln St., R9LG zone as presented and on file in the Planning Office.

NEW BUSINESS

Discussion of By-Laws

Commissioner Schoenhorn proposed some changes to the Board's By-Laws and Town Attorney Bob DeCrescenzo reviewed and provided comments. Due to the lack of a full membership present at this meeting it was suggested the Board continue to discuss at the May and June meetings and be better prepared to vote on an amendment at the July 2022 meeting.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Shoehorn/Healy) it was unanimously

VOTED: To approve the January 18, 2022 Zoning Board of Appeals regular meeting minutes with the correction to Paragraph 1, line 10 changing the word "with" to "will".

Upon a motion made and seconded (Schoehorn/Healy) it was unanimously

VOTED: To approve the January 18, 2022 administrative meeting minutes with the amendment to add "April" to the last paragraph.

The meeting adjourned at 8:10 p.m.

SJM