

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MEETING

January 18, 2024

Present for the hybrid meeting were Chair Schoenhorn, Commissioners Callahan, Cloud, Gemski, Grady Benson, Walsh and Alternate Commissioners Dess-Santoro, Mastrobattista, Subramanian. Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:24 p.m.

Commissioner Callahan was present online. All others were present in the Council Chambers.

Secretary Gemski read the legal notice into the record.

APPEAL

Gerald Dobrynski – 174 Red Oak Hill Road

Chair Schoenhorn explained the process of the appeal incorporating the newly adopted amendment to the by-laws. The Chair then asked Mr. Dobrynski and Senior Assistant Town Planner Cyr to stand and take an oath/affirmation certifying the truth of the statements they are about to make. Senior Assistant Town Planner Cyr, representing the Town of Farmington, presented the details of the cease-and-desist order beginning with background history for this property. A 2019 aerial image was used to orient the board to the location of the property. The property, known as 174 Red Oak Hill Road, is located at the corner of Chapel Road and Red Oak Hill Road. Senior Assistant Town Planner Cyr reviewed C.G.S. § 8-6 Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter. The Zoning Board of Appeals acts in a quasi-judicial capacity when reviewing appeals. The Board can either uphold, reverse or modify the cease and desist with an affirmative vote of 4 out of 6 members. The cease-and-desist order cites violations of the zoning regulations: Article IV Section 9.B & 9.C – Storage of more than two open or enclosed utility trailers, recreational trailers, mobile homes, and/or recreational vehicles. Article IV Section 9.B - Utility trailers, recreational trailers, mobile homes, and/or recreational vehicles shall be stored behind the longest rear wall of the home respective of both streets. Article IV Section 13.B.1 - Motor vehicles parked or stored on landscaped surfaces within the front yard. The front yard for this property is considered between the front of the home and Red Oak Hill Road, and 30ft into the property from the property line along Chapel Street. Senior Assistant Town Planner Cyr reviewed the background of this property beginning with voluntary compliance letters beginning in 2000, continuing with various citations and letters throughout the years including the current cease and desist order. The number and type of trailers/vehicles changes as he buys, fixes and sells things. The current order required the property owner to correct the violations by December 14, 2023. On December 14, 2023 the applicant submitted an appeal from a decision of the Zoning Officer: Application States appeal of “Trailer (large) 8 x 20 was grandfathered by Town of Farmington”; Trailer was removed sometime between March 31, 2021 and March 29, 2022; and Applicant did not appeal other aspects of the December 4th C & D. To provide clarification of where the zoning regulations allow trailers and recreational vehicles to be located on a corner lot and what is considered front yard landscape area, a color-coded April 8, 2023 aerial image was presented. Aerial images dated April 8, 2023 and September 14, 2023 were presented to show the number of vehicles, trailers etc. on the property. December 4, 2023 photos were presented showing eleven (11) trailers on the property. January 12, 2024 photos were presented showing the number of trailers on the property

reduced to seven (7). Senior Assistant Town Planner Cyr stated the Town's position is the property owner has been storing more than two utility trailers, recreational trailers, mobile homes, and/or recreational vehicles in violation of Article IV Section 9.B & 9.C. Storage location of utility trailers, recreational trailers, mobile homes, and/or recreational vehicles is in violation of Article IV Section 9.B. The owner has been parking/storing vehicles on landscaped surfaces within the front yard, in violation of Article IV Section 13.B.1. In addition, the Applicant had appealed the following on the application: "Trailer (large) 8 x 20 was grandfathered by Town of Farmington". The trailer in question was removed sometime between March 31, 2021 and March 29, 2022. Since the trailer had already been removed, the enforcement order in full was not appealed, and the remaining violations are apparent, the cease and desist was issued appropriately and the appeal should be denied. Board members asked for clarification on how the violations came to the attention of the Town. Senior Assistant Town Planner Cyr responded complaints have been received by the Planning Office.

Board members asked for clarification regarding open and closed trailers and if it is defined in the regulations. Board members asked for clarification also on vehicles in landscaped areas. Photos were reviewed to clarify the open v. closed trailers and parking vehicles on landscaped areas.

Mr. Dobrynski responded he has never said he buys and sells as a business. Senior Assistant Town Planner Cyr responded that Mr. Dobrynski has stated that he does. Mr. Dobrynski commented he cannot afford to scrap/throw out things of value. He then asked for confirmation that vehicles need to be parked on pavement. Senior Assistant Town Planner Cyr responded yes. Mr. Dobrynski explained people have been complaining about the property since before he owned the property. The 8x20 trailer was grandfathered but has been removed. He stated he is not operating a business; he likes to tinker. Mr. Dobrynski stated, at this time, all vehicles are on pavement, and they are all registered and operational. He is working on cleaning up and making improvements, but the neighborhood has changed over the years with the trails and other development. Mr. Dobrynski adds he is dealing with things the best he can. Board members questioned whether he has been making any progress in addressing these violations. Mr. Dobrynski responded he has removed some trailers. The Board suggested Mr. Dobrynski start moving trailers to the area allowed on his property and then work on removing the trailers in excess of two (2) allowed by the zoning regulations. The Board asked Mr. Dobrynski how much time it will take to move the additional trailers off the property. Mr. Dobrynski responded that within two months he will have trailers dealt with. Chair Schoenhorn informed Mr. Dobrynski the Commission can only address the Zoning Violations and could not address the violations of the Town Code in the December 4th Order. Senior Assistant Town Planner Cyr stated the Town always tries to work with property owners to address violations, but this has been going on for too long.

The hearing closed at 8:51 p.m.

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

VOTED: To affirm the Cease & Desist Order of the Zoning Enforcement Officer as it relates to Article IV Section 9.B & 9.C – Storage of more than two open or enclosed utility trailers, recreational trailers, mobile homes, and/or recreational vehicles. The appeal is denied for this item.

Board members felt the zoning regulations are clear and it has been demonstrated the property owner has more than two (2) trailers on the property.

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

VOTED: To affirm the Cease & Desist Order of the Zoning Enforcement Officer as it relates to Article IV Section 9.B - Utility trailers, recreational trailers, mobile homes, and/or recreational

vehicles shall be stored behind the longest rear wall of the home respective of both streets. The appeal is denied for this item.

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

VOTED: 1 in favor (Callahan) to 5 opposed (Cloud, Gembski, Grady-Benson, Schoenhorn, Walsh) to affirm the Cease & Desist Order of the Zoning Enforcement Officer as it relates to Article IV Section 13.B.1 - Motor vehicles parked or stored on landscaped surfaces within the front yard.

No vehicles have been demonstrated to be improperly parked at this time.

Next the Board members discussed reducing the dollar amount of future fines for this Order.

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

VOTED: To set the Cease & Desist Order fine amount to \$75 per week.

Finally, the Board members discussed setting a time limit for the property owner to bring the property into compliance per the Order.

A motion was made and seconded (Cloud/Schoenhorn) to provide Mr. Dobrynski six (6) months to come into compliance given the weather conditions. After a brief discussion, it was suggested the time be reduced to three (3) months. After further discussion, Commission Callahan amended the motion to provide the property owner with forty-five (45) days. The amendment was seconded by Chair Schoenhorn. During discussion of the motion the Board members came to consensus on the following motion to set the time limit to sixty (60) days.

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

VOTED: To set a time limit of sixty (60) days for the property owner (Gerald Dobrynski) to comply with the Cease & Desist Order of the Zoning Enforcement Officer. Specifically, Article IV Section 9.B & 9.C – Storage of more than two open or enclosed utility trailers, recreational trailers, mobile homes, and/or recreational vehicles and Article IV Section 9.B - Utility trailers, recreational trailers, mobile homes, and/or recreational vehicles shall be stored behind the longest rear wall of the home respective of both streets.

MINUTES

Meeting Minutes

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

VOTED: To approve the December 18, 2023 Zoning Board of Appeals meeting minutes.

The meeting was adjourned at 9:19 p.m.

SJM