

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MEETING

November 18, 2024

Present for the online web conference were Chair Schoenhorn, Commissioners Callahan, Cloud, Gemski, Grady-Benson, Walsh and Alternate Commissioners Dess-Santoro, Mastrobattista and Subramanian (at 7:01pm). Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

Assistant Town Planner Daigle, Clerk Michaud and Commissioners were present in the Council Chambers.

Secretary Gemski read the legal notice into the record.

PUBLIC HEARING

Matthew Yard – 100 Red Oak Hill Road

Application for Special Exception to expand an existing non-conforming building for reconstruction of a single-family home at 100 Red Oak Hill Road, R30 Zone and application for variance to reduce front yard setback from 40 feet to 18 feet to new house and reduce front porch setback from 20 feet to 15 feet for the reconstruction of single-family home at 100 Red Oak Hill Road, R30 zone. Matthew Reale, Contractor, presented both applications together. The existing home was heavily damaged by a fire and the family is looking to reconstruct a new home. Site plans were provided to demonstrate that the existing home is located in a non-conforming location and that the proposed new home would increase the total area within the front yard setback from 1,081 sq. ft. to 1,230.26 sq. ft. However, the distance from the front property line along Red Oak Hill Road would increase from 10.6 feet to 18.9 feet for the home and 15.9 feet for the front steps. Mr. Reale explained the existing well is being relocated because it does not meet the health code requirements regarding distance from the existing septic system. The site plan shows the proposed new location of the well and the existing location of the septic system. Mr. Reale stated they took care in selecting the style of home and location, moving the home back as far as possible to be further from the front property line while maintaining the required distance from the septic system. The unusually shaped parcel limits their ability to locate the home anywhere else on the property. Assistant Town Planner Daigle provided statutory information regarding non-conforming uses and structures. He also reviewed the zoning regulation that empowers the Board to consider special exceptions. There was discussion regarding special exceptions and the hardship for a variance.

Jessica Kolakoski, 27 Buena Vista, spoke in favor of the application.

The public hearing closed at 8:10 p.m.

Special Exception

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

VOTED: 3 in favor (Callahan, Cloud, Walsh), 1 abstention (Grady-Benson) to 2 opposed (Schoenhorn, Gemski) to approve the Matthew Yard application for Special Exception to expand an

existing non-conforming building for reconstruction of a single-family home at 100 Red Oak Hill Road, R30 Zone. The motion failed and the application for special exception was denied.

Variance

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

VOTED: To approve the Matthew Yard application for variance to reduce front yard setback from 40 feet to 18 feet to new house and reduce front porch setback from 20 feet to 15 feet for the reconstruction of single-family home at 100 Red Oak Hill Road, R30 zone as presented and on file in the Planning Office.

Members voting in favor felt the applicant demonstrated sufficient hardship.

Kemper Associates Architects, LLC – 35 Garden Street (8:18pm)

Commissioner Gemski recused herself from this matter and left Chambers. Alternate Commission Subramanian was appointed to participate in Commissioner Gemski's place.

Application for variance to reduce side yard setback from 15 feet to 1' 8" feet for addition of carport located at 35 Garden Street, R20 zone. Jack Kemper presented the request to construct an open carport on the north side of the home next to the garage. The carport is designed with a flat roof and columns and with a roof extension over an existing porch and stairs at the back of house. The carport will provide cover for vehicle parking on the side of the house. Board members asked for lot clarification as to why this could not be located elsewhere on the property. Mr. Kemper responded with the location of a retaining wall that extends from the northern property line to the southern property line along the rear of the home. Mr. Kemper was asked about roof runoff. Mr. Kemper responded the runoff will be collected in the gutter system and downspouts will direct the runoff to the rear yard.

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

The public hearing closed at 8:27p.m.

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

VOTED: To approve the Kemper Associates Architects, LLC application for variance to reduce side yard setback from 15 feet to 1.5' feet for addition of carport located at 35 Garden Street, R20 zone as presented and on file in the Planning Office.

Board members felt sufficient hardship had been demonstrated.

Commissioner Gemski rejoined the Board for the remainder of the meeting.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Grady-Benson/Cloud) it was unanimously

VOTED: To approve October 15, 2024 Zoning Board of Appeals meeting minutes.

PLANNERS REPORT

55 Depot Place

The property owner met with Town Staff about modifying the previous variance approval. The property owner has purchased the adjacent property to the east and is proposing to revise the previous development plans. The building would be moved to a conforming location on the property, the parking will be reconfigured but will remain located within the required front yard setback. The total area of variance will be reduced and parking will be moved from 15 feet to 23 feet from the front property line. Staff is asking for input from the Board if a reduction in the variance request is sufficient or if they would require an application for a modification of prior approval. Staff consulted with the Town Attorney and he believes that if there is a net reduction in the non-conformity and the request is on the same property as the original variance, it may not be necessary for a new variance application, just a concurrence from the Board that the change does not further violate the regulations. After some discussion it was the consensus of the Board that a formal application should be made and that if this is the only application for the December 16, 2024 meeting it should be an online only meeting.

The meeting was adjourned at 8:47 p.m.

SJM