



AGENDA

Zoning Board of Appeals
Regular Meeting
Monday, June 13, 2016 at 7:30 p.m.
Community Center, Room B
40 Dyer Avenue, Canton, Connecticut

CALL TO ORDER:

ROLL CALL:

PUBLIC HEARING

1. **File #2016-3;** 13-15 High Street; Assessor's Map 38; Parcel 2960013; Zone R-1; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of front yard setback by 14.3 feet for an 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #2016-3;** 13-15 High Street; Assessor's Map 38; Parcel 2960013; Zone R-1; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of front yard setback by 14.3 feet for an 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

NEW BUSINESS:

1. **File #2016-4;** 15 North Street; Assessor's Map 38; Parcel 3890015; Zone B; Section 9.7, Motor Vehicle Location Approval, Used Car and Repairer License; Ron Llewellyn, applicant; TABCO Properties, LLC, owner

OTHER BUSINESS:

1. Approval of Meeting Minutes from May 9, 2016
2. Staff Report

ADJOURNMENT:

NOTE TO PERSONS WITH SPECIAL NEEDS:

The Town of Canton does not discriminate on the basis of disability. Individuals who need auxiliary aids or an interpreter at a Town meeting must notify the appropriate department in advance of the meeting as soon as they are able.



TOWN OF CANTON

4 Market Street
PO Box 168
Canton, CT 06019

**CANTON TOWN HALL
LAND USE OFFICE**

APR 22 2016

Land Use Department
(860) 693-7856
(860) 693-7884 (fax)

DATE OF RECEIPT IN OFFICE

OFFICE USE ONLY		
FILE #: <u>2016-3</u>	FEE AMOUNT: <u>\$160.00</u>	CASH / <input checked="" type="checkbox"/> CHECK # <u>1117</u>
DATE SUBMITTED: <u>4/22/16</u>		

ZONING BOARD OF APPEALS APPLICATION

APPLICATION FEE: \$160.00 (includes \$60.00 State Surcharge)
Please make checks payable to "Town of Canton"

**THIS APPLICATION CANNOT BE APPROVED UNTIL ALL REQUIRED INFORMATION IS PROVIDED
AND ANY ADDITIONAL REQUIRED APPROVALS ARE OBTAINED.**

PLEASE PRINT LEGIBLY

Property Address: 13/15 High St. Collinsville CT
 Assessor's Map: 38 Parcel: 2960013 Zone: R1 Lot Size: 16,810 ft
 Land Record Reference to Deed Description: Volume: 225 Page: 183
 Property Owner: Charles Arrasate Phone: 860-798-8862
 Applicant/Agent: same Phone: same
 Mailing Address: 13 High St. Collinsville, CT
 Email Address: chuck@coraleaf.com

ACTION REQUESTED:

Variance from Section 3.4.E.2 of the Zoning Regulations
 Appeal from decision of the Zoning Enforcement Officer
 Approval of Motor Vehicle Department
 License/Location: New Car Used Car Repairer Limited Repairer

VARIANCE INFORMATION:

The variance relates to: yard dimension height number of family units
 street frontage area other

Describe briefly: building a garage on a corner lot, has two front yard setbacks, need a variance on one of them. requesting a 14.3 ft front yard variance.

(a) Strict application of the regulations would produce undue hardship because: Can't build garage

(b) The hardship created is unique and not shared by all properties alike in the neighborhood because: corner lot

(c) The variance would not change the character of the neighborhood because: still will be over 25' off the road

APPEAL INFORMATION:

The decision of the Zoning Enforcement Officer dated _____ is APPEALED because:

APPROVAL OF MOTOR VEHICLE DEPARTMENT INFORMATION:

Describe briefly: _____

Previous applications have been filed with respect to these premises as follows: _____

Owner Name: Charles Arrasate Owner Signature: [Signature]

Date: 4/22/16

Applicant Name: _____ Applicant Signature: _____

Date: _____

PLEASE NOTE:

Application will not be accepted unless:

- A. It is signed by the applicant or agent.
- B. It is accompanied by the proper filing fee: \$160.00 (\$100 + \$60.00 State of Connecticut surcharge).
- C. It is accompanied by three copies of certified plot plan if required.
- D. It is accompanied by Motor Vehicle Department forms if applicable.
- E. Requirement for abutter notices and land use sign for items requiring a public hearing.

CHARLES M ARRASATE III
13 HIGH STREET
COLLINSVILLE, CT. 06019

1117
51-74282111

4/21/16 DATE

PAY TO THE ORDER OF Town of Canton \$ 160.⁰⁰
One hundred and sixty ~~xx~~ ~~xx~~ ~~xx~~ DOLLARS

PAID BY
DATE

COLLINSVILLE SAVINGS SOCIETY
COLLINSVILLE, CONNECTICUT
Community Banking Since 1853

C. Quinn

FOR

⑆ 2 2 2 2 7 4 2 8 8 ⑆ 6 5 0 0 0 5 6 5 5 ⑆ 1 1 1 7

MP

Administrative Information		Owner name: ARRASATE CHARLES M III & Second name: VELEAS RACHEL A Address: 151 TALCOTT NOTCH ROAD City/state: FARMINGTON CT Zip: 06032	
Lot: 2960013	Map: 38	Neigh.: 183	Callback? Vol: 225 Page: 183
Assmt category	Qty	Amount	Exempt Cat
Resident Land	.32	56,000	Amount
Resident Dwelling	1.00	100,570	Exemptions
Resident Outbdg	1.00	840	Amount
Summary		Utilities	
Total assessments	157,410	Water	Collinsville
Total exemptions		Sewer	Public sewer
Net assessment	157,410	Gas	None
Sales ratios		Sales ratios	
Cost/sale:		Mkt/sale:	
Mkt value:	224,870	Assmt/sale:	

Type Use	Acres/Sqft	Rate	Total	Infl	Fact	Value	70% Value
PRIM	11	.320	80,000			80,000	56,000
Primary Site	13,939						
			.3200 acres	Total land value		80,000	56,000

Residential Dwelling Information		Condominium	
Subject	Code	Description	
Style	15	Multi-family	
Exterior Walls	04	Vinyl Siding	
Roof Material	01	Asphalt Shingles	
Roof Type	01	Gable	Story Height 2.0
Foundation	03	Field Stone	
Interior Walls	01	Plaster	
Floors	Unknown		
Heating System	01	Hot Water	
Fuel	01	Oil	
Attic	03	Partially finish	
Grade	33	C+	
Garage	99	None	
Area Over Gar.	99	None	
Basement	01	Full	
Bsmt Fin Qual	01	Unfinished	
Air Condition	99	None	
Interior Cond	03	Fair	
Exterior Cond	03	Fair	
		Total Rooms	10
		Bedrooms	3
		Family Rooms	Unfinished area
		Full Baths	Dormer linear f
		Half Baths	2
		Admtn'l fixtures	Masonry trim sf
		Whirlpools	1
		Saunas	Finish bsmt sz
		M/F stacks	1
		W/B stacks	Rec Room Size
		W/B openings	1
			Living area
			1,760
			# Living Units
			2
		Actual Year Built:	1905

Building Valuation Summary		Area	
Dwelling	Frame	2 story w/bsmt	800
Basement	Full		168,330
Heating	Yes	A/C No	
Plumbing	2 F/B	H/B 1 Add'l fix.	Wh/p
Attic	Partially finished	Attic size: 800	Saunas
Other Features	M Stks	Unfin	3,500
Sub-Total	C+	Factor 1.0800	204,659
Grade	C&D	Factor 1.00	221,030
Depreciation		35 %	221,030
		Computed cost value @ 70%	143,670
			100,570

Building additions			
Category	Type	Area	Value
L Living Area	FRFF	Frame first floor	160
		Total additions	12,900

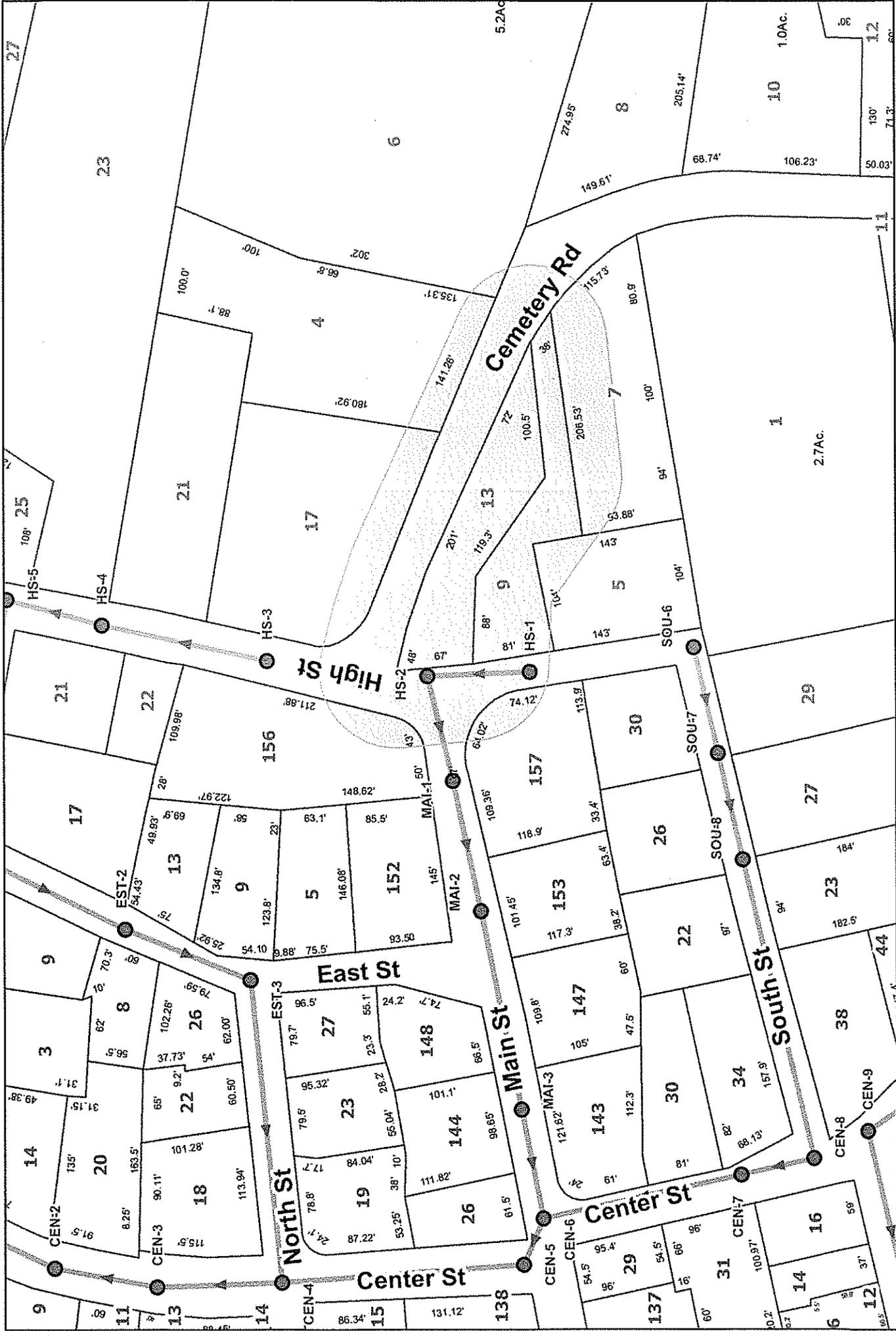
Outbuilding Information			
Description	Wid Len	Area	Rate Year Cnd
RS1 Frame	10 12	120	20.00 2010 C
Utility Shed			RCN 2,400
		Depr	50
		Value at 70%	840
		Value at 100%	1,200

5/16/2016

Thank you all for your time. The reason I need the variance is I would like to build a garage on my property, due to the changes in grade there is only one location where it will fit. Also again to the changes of grade there is limited parking at the home, it is a 2 family we don't want anyone to have to park on the street. I believe that the garage will be very limited impact because there are few neighbors, and a commercial pump station in the area.

Thank you,

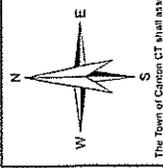
Charles Arrasate



13 High Street - Abutter List



1 inch = 122 feet



The Town of Center CT shall assume no liability for any errors, omissions, or inaccuracies in the information provided, regardless of how caused or any consequences or damages that may result therefrom. The information is provided for informational purposes only and does not constitute a warranty.

BARNICOAT JEAN
6 CEMETERY RD
CANTON, CT 06019

MUZYNSKI DONALD M &
5 HIGH STREET
COLLINSVILLE, CT 06019

NASH AVIS PARENT &
1 HIGH STREET
COLLINSVILLE, CT 06019

FLETCHER MARY EICHHORN &
157 MAIN ST
CANTON, CT 06019

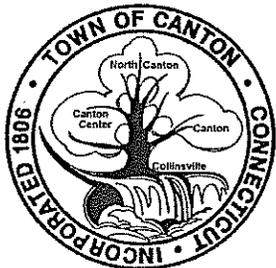
WEINER ALAN L
9-11 HIGH ST
COLLINSVILLE, CT 06019

ARRASATE CHARLES M III &
151 TALCOTT NOTCH ROAD
FARMINGTON, CT 06032

HINMAN PETER J &
46 PARK ROAD
BARKHAMSTED, CT 06063

FARIS SOPHIE K
4 CEMETERY ROAD
CANTON, CT 06019

YORK CAROL G &
P O BOX 602
CANTON, CT 06019



TOWN OF CANTON
LAND USE OFFICE

4 Market Street, Collinsville, Connecticut 06022

CERTIFIED MAIL/RETURN RECEIPT

Dear Neighboring Property Owner:

An application to the Canton Zoning Board of Appeals (ZBA) for a 14.3 foot front yard variance has been filed with the Canton Land Use Office for the following property:

Location: 13-15 High Street, Collinsville, CT

Applicant: Mr. Charles Arrasate

Property Owner: Mr. Charles Arrasate

The variance requested is to Section 3.4.E.2 of the Canton Zoning Regulations and is for the following proposed activity:

Construction of a 24x28 foot detached garage

A copy of the application has been included with this correspondence. A Public Hearing for this application is scheduled for Monday, June 13, 2016.

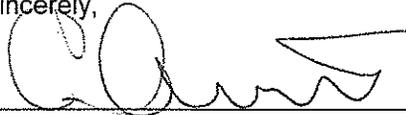
The meeting will be held in Room B of the Canton Community Center located at 40 Dyer Avenue, Canton, CT, and is scheduled to begin at 7:30 p.m.

At this hearing public testimony will be accepted. If you are unable to attend this meeting but wish to express your thoughts and concerns, please direct them by email to: Renee Narducci, Land Use Coordinator at rnarducci@townofcantonct.org or by mail to the following address:

Town of Canton
Land Use Office
4 Market Street
Canton, CT 06019

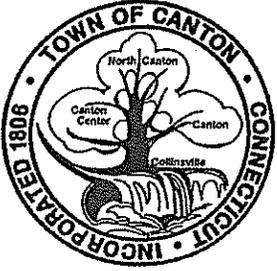
Please be sure to reference the above application in the subject line.

Sincerely,



Signature

5/17/16
Date



TOWN OF CANTON
LAND USE OFFICE

4 Market Street, Collinsville, Connecticut 06022

CERTIFICATION OF NOTICE

Planning & Zoning Commission: File Number: _____

Application Number: _____

Zoning Board of Appeals:

File Number: 2016-3

I certify that as per Section 9.9.F, Notice of Public Hearing Signs, of the Canton Zoning Regulations, I have posted at: 13-15 High street, collinsville, CT a sign reading:

"ZONING APPLICATION PENDING ON THIS PROPERTY. FOR INFORMATION CONTACT THE ZONING ENFORCEMENT OFFICER, TOWN HALL CANTON."

For fifteen (15) continuous days beginning on 5/17/16 and ending on 6/1/16 prior to a public hearing scheduled for 6/13/16.

Name of Applicant: C. Arrasate

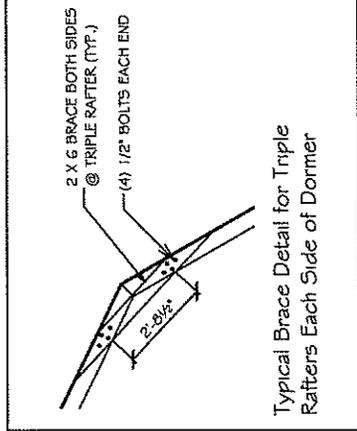
Signature of Applicant: C. ARRASATE

Date: 5/17/16

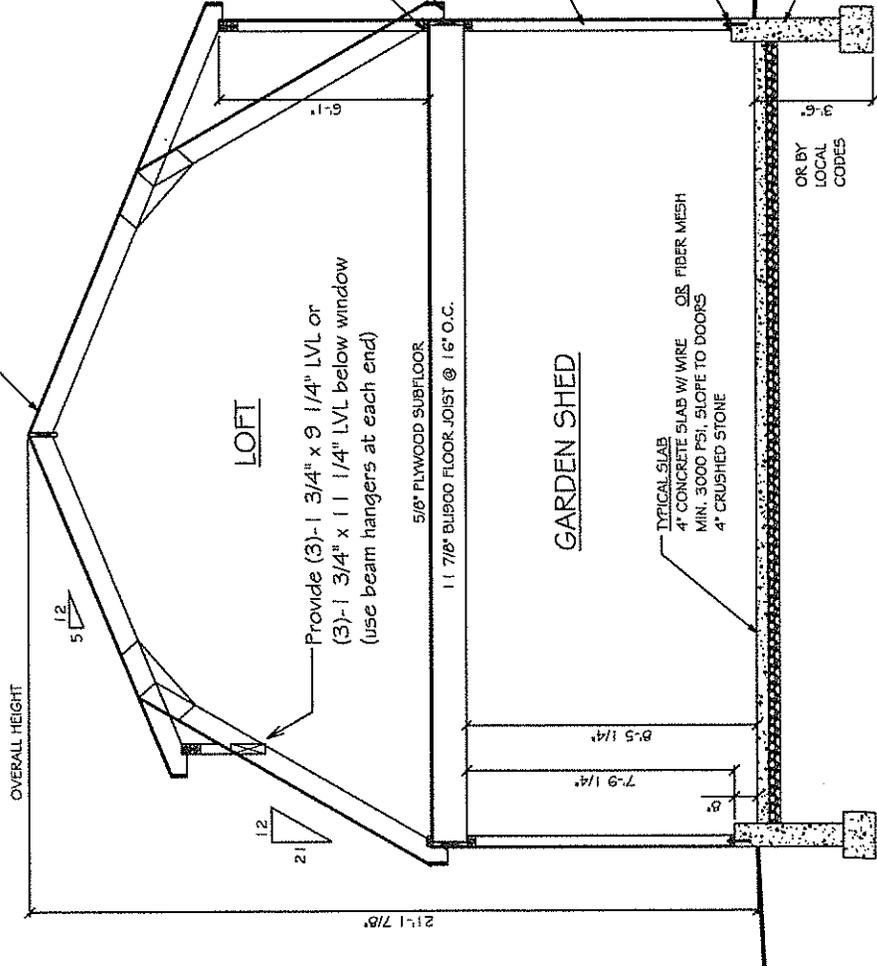
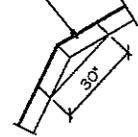
Example

This drawing is to show the height of a 24' wide Dutch Elite. A specific plan will be presented for the building permit.

TYPICAL ROOF CONSTRUCTION
 MIN. 25 YR. ASPHALT SHINGLES ON 1/4" FELT
 7/16" OSB OR 1/2" CDX ROOF SHEATHING
 2 X 10 SFF #2 RIDGE PLATE, LVL RIDGE AT DORMER
 2 X 6 SFF #2 RAFTERS @ 16" O.C.
 OPTIONAL RIDGE VENT



1/2" CDX PLYWOOD GUSSET BOTH SIDES
 ATTACH EACH TO EACH RAFTER W/
 (15) 1 1/2" STAPLES
 TYP. @ ALL OTHER GAMBREL RAFTERS



Provide (3)-1 3/4" x 9 1/4" LVL or
 (3)-1 3/4" x 11 1/4" LVL below window
 (use beam hangers at each end)

5/8" DURA-TEMP OR
 1/2" CDX PLYWOOD SHEATHING W/ VINYL SIDING
 OR LP LAP SIDING
 2 X 4 STUD WALL @ 16" O.C.

TYPICAL SLAB
 4" CONCRETE SLAB W/ WIRE OR FIBER MESH
 MIN. 3000 PSI, SLOPE TO DOORS
 4" CRUSHED STONE

2 X 4 P.T. WALL PLATE W/ 1/2" X 7" STB2-50700
 SIMPSON STRONGBOLT 2 EXPANSION ANCHOR
 @ 4'-0" O.C. MAX. 12" FROM CORNERS @ SPLICES

TYPICAL FOUNDATION
 8" POURED CONC WALL
 MIN. 3000 PSI ON
 16" X 12" POURED CONC FOOTING
 MIN. 3000 PSI

SECTION DETAIL "A"

SCALE: 3/16" = 1'-0"

ENGINEER:	
BUILDER:	Kloter Farms 216 West Rd. Ellington CT. 06029
PROJECT:	
PRELIMINARY	3/10/15
FINAL	
E.S.	
DRAWN BY:	DRAFTING CONCEPTS ARCHITECTURAL DRAFTING JOHN ESH 717-442-5053 John@DraftingConceptsLLC.net
SCALE:	AS NOTED
SHEET TITLE:	SECTION DETAILS
PROJECT NO.:	D201-15
	5



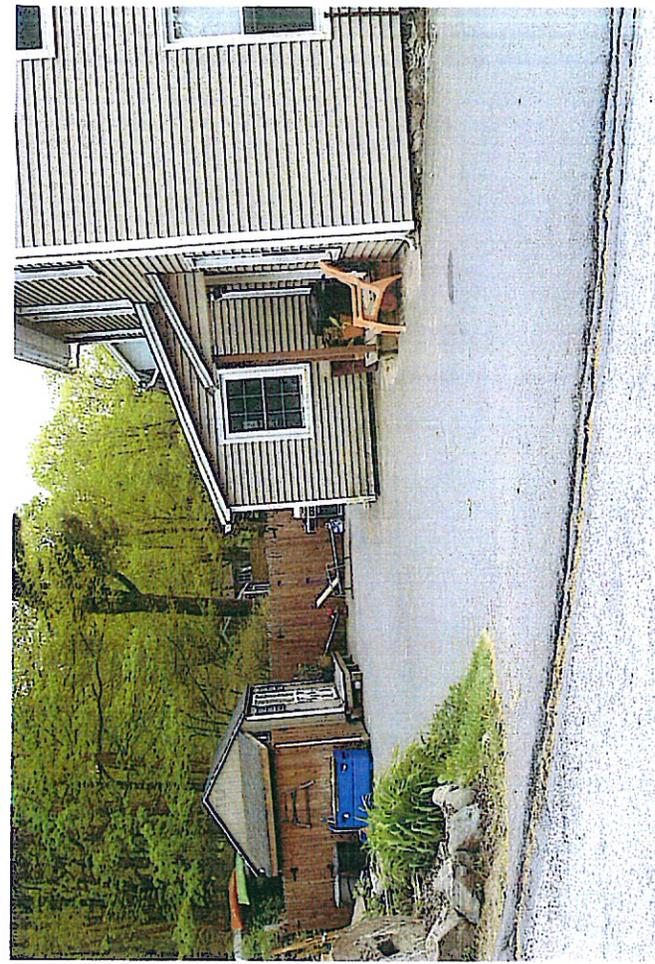
LOT - LOCATION OF GARAGE



RESIDENCE

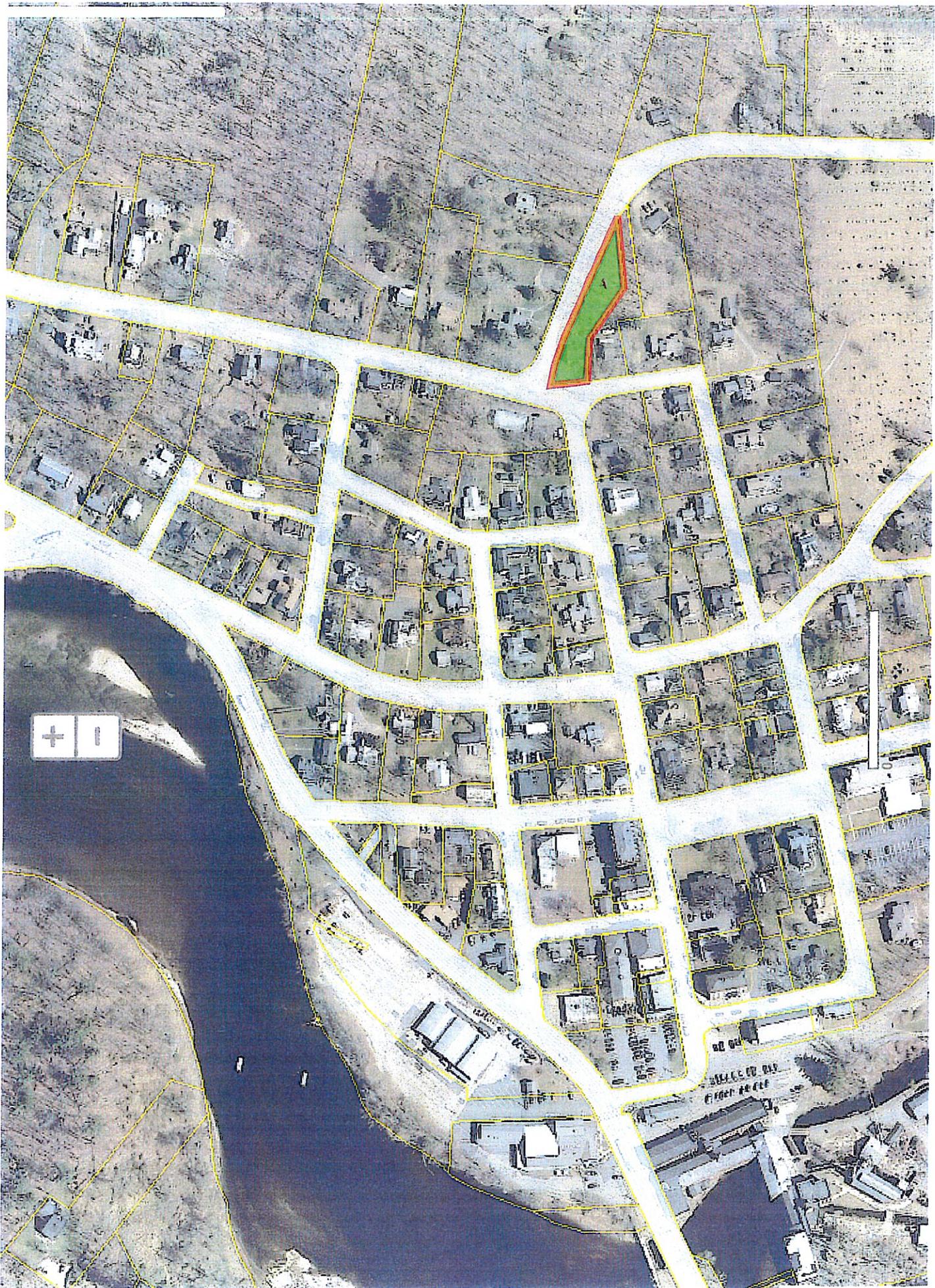


ABUTTING UP HILL



RESIDENCE

72.917017, 41.811099



-72.916647, 41.810775



13 HIGH STREET

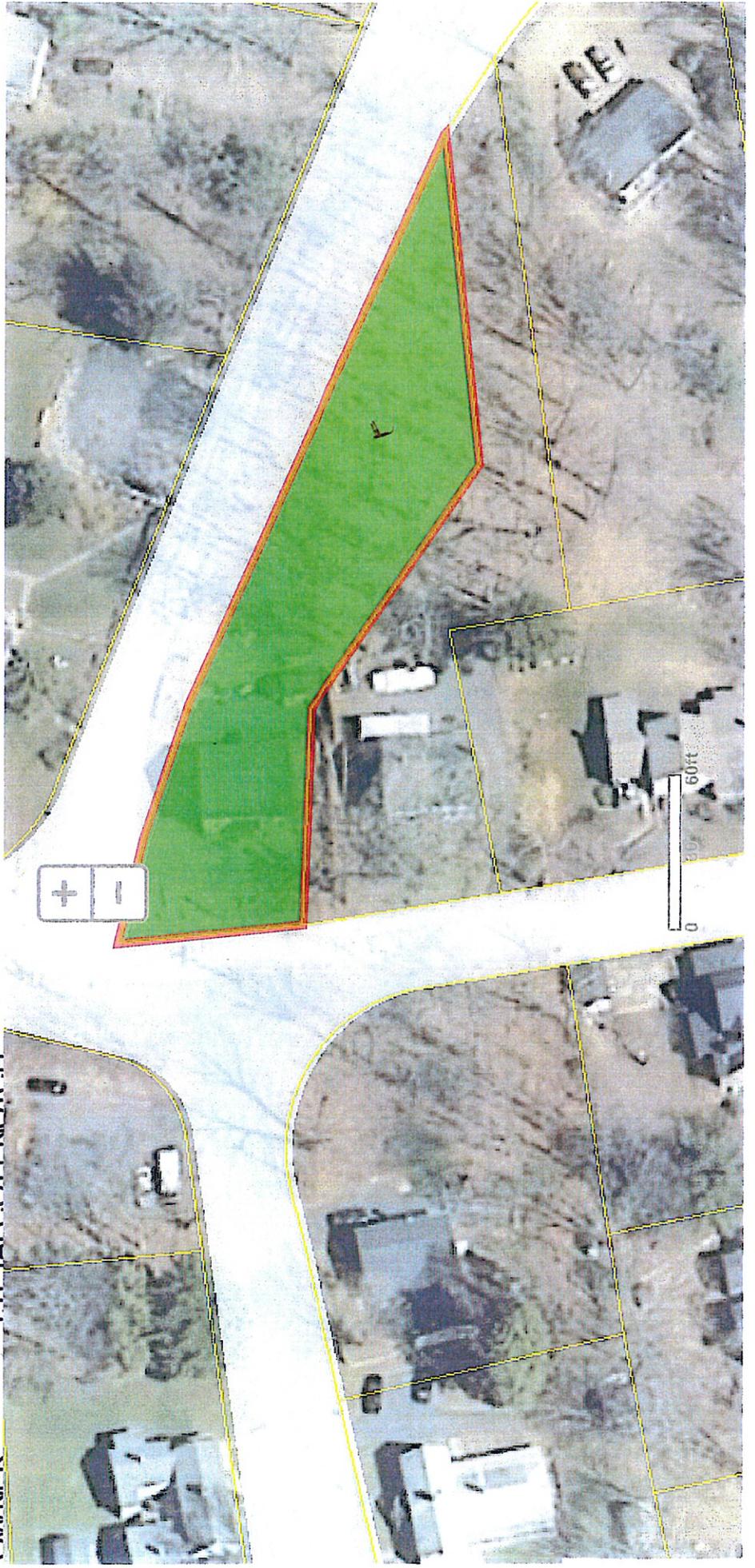
GIS ID: 2960013

PARCEL ADDRESS: 13 HIGH STREET

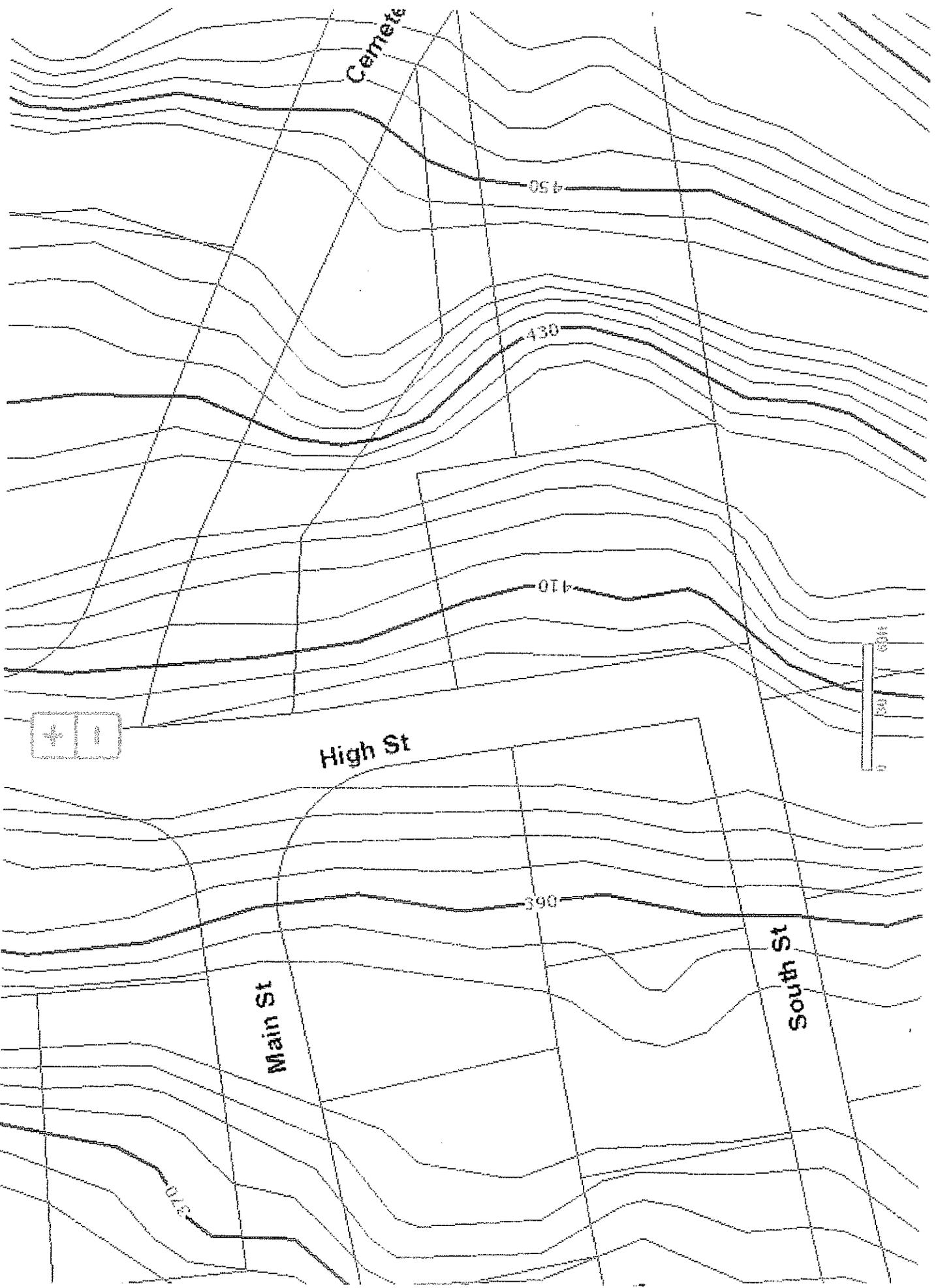
UNIT: N/A

OWNER NAME: [REDACTED] ARRASATE CHARLES M

OWNER: 151 TALCOTT NOICH



72.917673, 41.810856



Legal Notice
Town of Canton
Zoning Board of Appeals

The Canton ZBA will hold a public hearing at a regular meeting on Monday, June 13, 2016 at 7:30 p.m., in Room B of the Community Center, 40 Dyer Avenue, Canton, CT for the following application:

File #2016-3; 13-15 High Street; Assessor's Map 38; Parcel 2960013; Zone R-1; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of front yard setback by 14.3 feet for an 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

This application is on file and available for public inspection in the Land Use Office, Canton Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 19th day of May 2016.

Robert Brainard, Chairman

To be published twice in the Valley Press on Thursday, June 2, 2016 and Thursday, June 9, 2016.

Narducci, Renee

From: valleypress2011@gmail.com on behalf of Barbara Ouellette <ads@turleyct.com>
Sent: Monday, May 23, 2016 12:29 PM
To: Narducci, Renee
Subject: ad proof and pricing legal for Valley Press
Attachments: Legal_TOC-ZBAhear_0602-0609.pdf

Legal for ZBApublic hearing
to run 6/2 and 6/9

proof attached

Size is 2 col x 3 inches
Cost: each time
Total:

--

Barbara Ouellette
Production Manager
The Valley Press, The West Hartford Press, Life Publications
860-651-4700 (office)
860-214-2975 (cell)

Legal Notice
Town of Canton
Zoning Board of Appeals

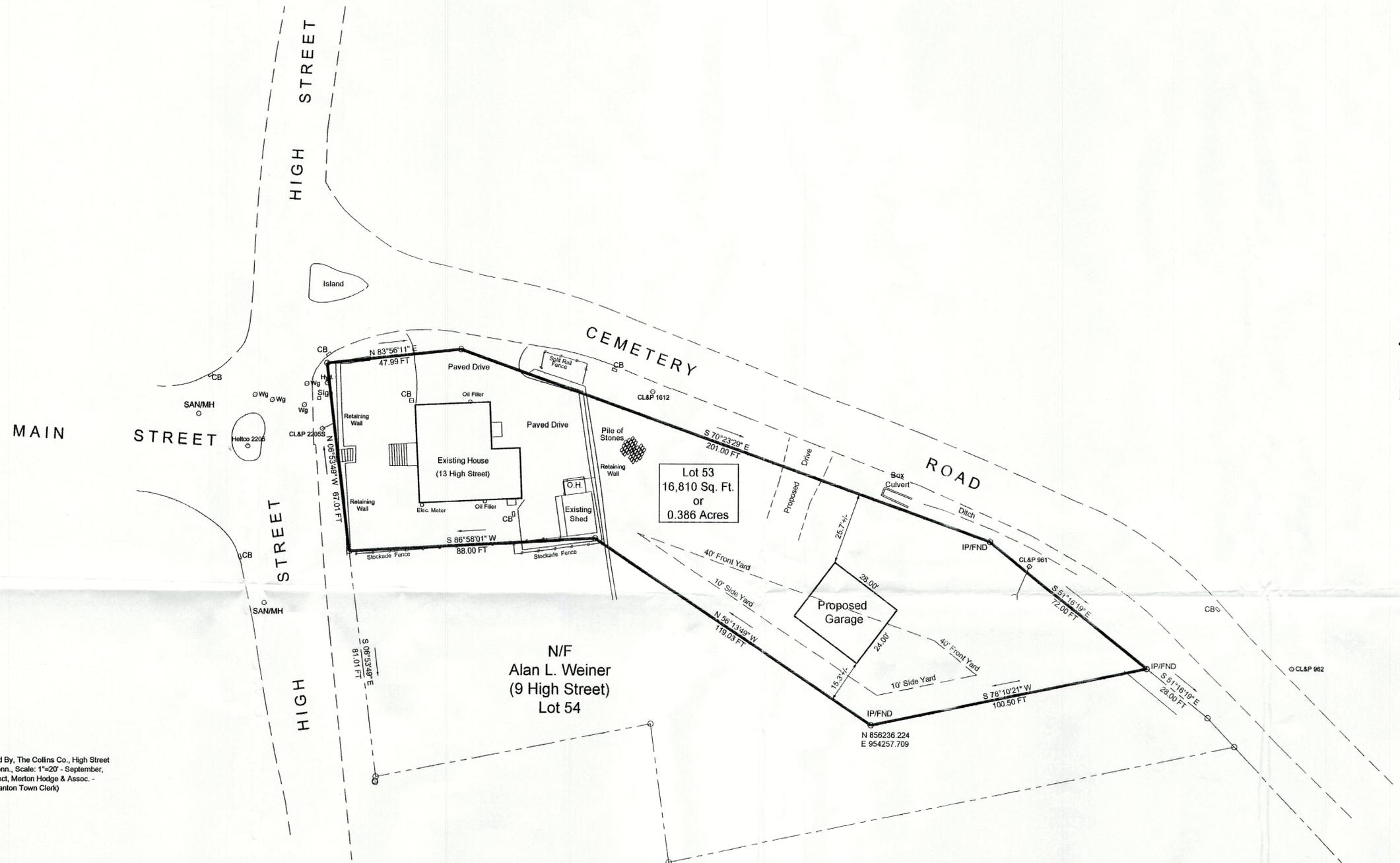
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This application is on file and available for public inspection in the Land Use Office, Canton Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 19th day of May 2016.

Robert Brainard, Chairman



Notes:
1) Parcel is located in the Zone R-1.

Map References:
1. Final, Map "L", Map of Lots Owned By, The Collins Co., High Street & Cemetery Road, Collinsville, Conn., Scale: 1"=20' - September, 1962, Certified Substantially Correct, Merton Hodge & Assoc. - Eng'rs & Surveyors. (Map 598P Canton Town Clerk)

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300a-1 THRU 20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.
THIS IS A DEPENDENT RESURVEY BASED UPON A DEPENDENT SURVEY.
CLASS OF ACCURACY: CLASS A-2.
TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Arthur M. Neriani
ARTHUR M. NERIANI - LAND SURVEYOR
CT LS #10250

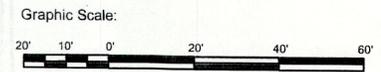


APPROVED BY THE ZONING BOARD OF APPEALS OF THE TOWN OF CANTON, CONNECTICUT AT ITS MEETING ON
(DATE) _____ AND SIGNED BY
CHAIRMAN _____ DATE _____
SECRETARY _____ DATE _____
AND DELIVERED TO THE APPLICANT ON _____

CANTON TOWN HALL
LAND USE OFFICE
APR 22 2016
DATE OF RECEIPT IN OFFICE

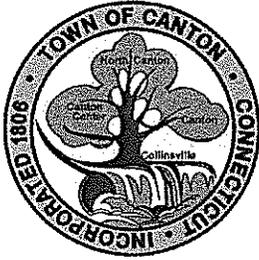
Map Showing
Proposed Garage
For
Charles M. Arrasate III
13 High Street
Canton Connecticut
Scale: 1"=20' April 6, 2016

Prepared By
Neriani Surveying
35 Old Farms Road - Avon Connecticut
(860) 677-7732



DRAWN BY:	CHECKED BY:	JOB NO.
AMN	CJN	M-16-15

C:\dwg\2016\16-15\Arrasate_Site_Plan_Fin.dwg, 4/7/2016 3:45:24 PM, HP DesignJet 450C (E_40) by HRP:pc3



TOWN OF CANTON

4 Market Street
PO Box 168
Canton, CT 06019

Land Use Department
(860) 693-7856
(860) 693-7884 (fax)

**CANTON TOWN HALL
LAND USE OFFICE**

JUN 03 2016

DATE OF RECEIPT IN OFFICE

OFFICE USE ONLY		
FILE #: <u>2016-4</u>	FEE AMOUNT: <u>\$160.00</u>	CASH <input checked="" type="checkbox"/> CHECK <u>1003</u>
DATE SUBMITTED: <u>6/3/16</u>		

ZONING BOARD OF APPEALS APPLICATION

APPLICATION FEE: \$160.00 (includes \$60.00 State Surcharge)
Please make checks payable to "Town of Canton"

**THIS APPLICATION CANNOT BE APPROVED UNTIL ALL REQUIRED INFORMATION IS PROVIDED
AND ANY ADDITIONAL REQUIRED APPROVALS ARE OBTAINED.**

PLEASE PRINT LEGIBLY

Property Address: 15 North St

Assessor's Map: 28 Parcel: 3890015 Zone: B-1 Lot Size: _____

Land Record Reference to Deed Description: _____ Page: _____

Property Owner: TABCO Properties LLC Phone: 860-712-0726

Applicant/Agent: Ron Lewellen Phone: 860-371-8772

Mailing Address: 116 Town Farm Rd Farmington CT 06031

Email Address: RonSautomotive296@gmail.com

ACTION REQUESTED:

_____ Variance from Section _____ of the Zoning Regulations

_____ Appeal from decision of the Zoning Enforcement Officer

_____ Approval of Motor Vehicle Department
License/Location: _____ New Car Used Car Repairer _____ Limited Repairer

VARIANCE INFORMATION:

The variance relates to: _____ yard dimension _____ height _____ number of family units
_____ street frontage _____ area _____ other

Describe briefly: _____

(a) Strict application of the regulations would produce undue hardship because: _____

(b) The hardship created is unique and not shared by all properties alike in the neighborhood because: _____

(c) The variance would not change the character of the neighborhood because: _____

APPEAL INFORMATION:

The decision of the Zoning Enforcement Officer dated _____ is APPEALED because:

APPROVAL OF MOTOR VEHICLE DEPARTMENT INFORMATION:

Describe briefly: New owner continued use for used car license. As stipulated with restrictions as per previous use approval, restrictions are already in place to protect the character of the area

Previous applications have been filed with respect to these premises as follows: _____

Owner Name: ALLEN SCHEIDEL Owner Signature: [Signature]

Date: 6/6/16

Applicant Name: Ron Llewellyn Applicant Signature: [Signature]

Date: 6/3/16

PLEASE NOTE:

- Application will not be accepted unless:
- A. It is signed by the applicant or agent.
 - B. It is accompanied by the proper filing fee: \$160.00 (\$100 + \$60.00 State of Connecticut surcharge).
 - C. It is accompanied by three copies of certified plot plan if required.
 - D. It is accompanied by Motor Vehicle Department forms if applicable.
 - E. Requirement for abutter notices and land use sign for items requiring a public hearing.

RON'S AUTOMOTIVE LLC

15 NORTH STREET
COLLINSVILLE, CT 06022

1003

51-7034/2111
02

DATE

6/3/16

CHECK ARMOR

PAY
TO THE
ORDER OF

Town of Canton

\$ 160.00

00/100

DOLLARS



Security
Features
Details on
Back



FARMINGTON BANK

FARMINGTON, CONNECTICUT 06032

FOR

Z.B.H.

[Signature]

MP

⑈001003⑈ ⑆211170347⑆850531213⑈



DRAFT MINUTES

Zoning Board of Appeals
Regular Meeting
Monday, May 9, 2016 at 7:30 p.m.
Community Center, Room F
40 Dyer Avenue, Canton, Connecticut

CALL TO ORDER: Chairman Brainard called the Regular Meeting of May 9, 2016 to order at 7:32 p.m.

PRESENT: Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, Walter LeGeyt, Bob Celmer (Alternate) and Lucien Rucci (Alternate).

ABSENT: None

ALSO PRESENT: Zoning Enforcement Officer Emily Anyzeski and Recording Secretary Jennifer Scott

Mr. Dotson arrived at 7:35 p.m.

A quorum of the Commission is present.

MODIFICATION TO THE AGENDA: None

REMARKS BY CHAIR: None

PUBLIC HEARING

READING OF THE LEGAL NOTICE: Read by Mr. Brainard

- File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners**

Commissioners Seated: Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, and Walter LeGeyt

This Public Hearing for File #2015-11: 145 Cherry Brook Road is a continuation from the February 11, 2016 Public Hearing. Mr. and Mrs. Maglietti's contractor, Mr. Peter Hiza, presented the application for variance on their behalf. Mr. Hiza stated that the Maglietti's wish to build an accessory structure on their property that will cross into the side yard setback by 2.5 feet. He noted that their original application requested a 7 ft variance because they were working under the incorrect assumption that the proposed garage was a part of the principal structure. Because the garage will be detached, they have revised their request to a 2.5 foot variance upon reviewing the setback requirements for Accessory Structures. Mr. Hiza presented the members with an updated survey of the property which includes detailed measurements from the proposed location of the garage to various points on the property including the house, stone wall, well, and right of way. He also presented several photos of the property and the area for which they plan to build.

Mr. Hiza stated that the hardships in this case are that (a) only 1/3 of this property's 2 acres is buildable flat land, (b) they are limited by the location of the well, and (c) they are limited by the location of the right of way going through the property.

The members inquired why the proposed garage could not be shifted so that it would no longer impinge on the setback zone. Mr. Hiza explained that the area to the front of where they have proposed building the garage is needed for the Maglietti's to turn their vehicles and the area to the rear is sloped. In addition, the right of way encroaches on the Maglietti's property the further back you go. The members suggested relocating the proposed garage to the right towards the well and repositioning the well beneath the garage floor. Mr. Maglietti is a licensed plumber and explained that this would not be a practical solution because of the difficulty involved with repairing and maintaining the well in that location.

As an alternative, the members offered the option of excavating the foundation of an old tobacco barn no longer in use on the property and building the garage there. Mrs. Maglietti said that area is steeply sloped and would result in additional construction costs. Mr. Brainard explained that unfortunately, financial impact can not be considered when voting on a variance such as this. Mrs. Maglietti explained that building in that location would also compromise the roots of a historical paper birch tree on the property. Another course of action that was put forward was to slightly modify the footprint of the garage in a way that would avoid any impact on the setback. Mr. Hiza said that the design of the garage as proposed is what is needed for the owners to be able to store their vast tool and car collection.

There was extensive discussion and examination of the issue of the right of way that exists along and through the Maglietti's property. The maps presented do not indicate the width of the right of way making it unclear whether the garage, as proposed, will impinge upon it. Mr. Brainard said that regardless of the issue with the right of way, it has to be determined if enough hardship exists to warrant a variance. He said that because there are other options on the property where the garage can be constructed, it is difficult to say that this is a unique case. He added that the applicant would not be denied reasonable use of the property if the garage were moved. The possibility of moving the garage 2 feet south was introduced. At this location, the garage would butt up against the well, would be within the setback requirement, and would be further from the right of way than as currently proposed. Mr. Hiza said that Mr. and Mrs. Maglietti are going for a certain aesthetic while they seek to enhance their property and maximize its use. Mr. Maglietti restated his desire for the variance to be granted as per their request.

MOTION: Mr. Adajian moved to close the Public Hearing for File #2015-11; 145 Cherry Brook Road. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners**

Commissioners Seated: Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, and Walter LeGeyt

The Commission determined that several alternatives exist where the design plan or location of the proposed garage could be changed and the applicants would still be allowed reasonable use of their property while conforming to current zoning regulations. They unanimously agreed that sufficient hardship was not proven in this case.

MOTION: Mr. Brainard moved that for File #2015-11; 145 Cherry Brook Road a side yard setback variance in the amount of 2.5 feet for the construction of a 24ft x 24ft detached garage in the location as shown on the Map entitled "Mr. and Mrs. Maglietti, Lot 1, Cherry Brook Road, Canton" be granted. The reasons for granting this variance are the topography to the rear of the lot and the location of the well. Mr. Dotson seconded the motion. The motion failed by a unanimous vote of, 0-5-0.

NEW BUSINESS

- 1. Consideration of possible refund for File #2016-1; 20 Canton Springs Road; Assessor's Map 35; Parcel 1640020; Zone1; Appeal the decision of the Zoning Enforcement Officer from the Observation of Violation regarding unapproved vehicular storage, dated January 15, 2016; Steven Lingenheld, applicant; Kings Highway Associates, LLC, owner**

Mr. Brainard said that Mr. Lingenheld was advised by the Town Planner that should his appeal be upheld, it is the practice of the ZBA to refund any fees paid for by the applicant. However, a successful appeal is not a factor that is considered in the Town Ordinance for refunding fees. The members agreed that if the applicant was informed by an authority of the Town that the fees would be refunded to him, they should in fact be refunded. In addition, Mr. Brainard reported that it is not uncommon for the Planning and Zoning Commission to reduce or waive fees at their discretion. Ms. Anyzeski said that when fees have been reduced or waived in the past by the Planning and Zoning Commission, they identify in their motion which criteria in the fee ordinance has been met.

MOTION: Mr. Brainard moved that for File #2016-1; 20 Canton Springs Road; the owner, Kings Highway Associates, LLC be refunded the \$160 fee they paid to appeal the Zoning Enforcement Officer's decision. Mr. Dotson seconded the motion, which passed by a unanimous vote of, 5-0-0.

OTHER BUSINESS

- 1. Approval of Meeting Minutes from March 14, 2016 and April 11, 2016**

MOTION: Mr. Adajian moved to approve the minutes from the March 14, 2016 Regular Meeting as presented. Mr. Kerr seconded the motion, which passed unanimously, 5-0-0.

MOTION: Mr. Adajian moved to approve the minutes from the April 11, 2016 Regular Meeting as amended. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

- 2. Staff Report**

- a. 12 Town Bridge Road** – Ms. Anyzeski reported that she has recently issued an observation of violation letter to the owner of 12 Town Bridge Rd due to the presence of a shipping container on the property. She stated that a complaint from Mr. Dotson prompted her investigation of the property and she is seeking guidance from the ZBA members on how to proceed with the case. Ms. Anyzeski said that the owner has spray painted the shipping container green, uses it for storage and considers it to be a shed. The owner is arguing that it has been on his property since 2006 without any complaints and that the shipping container aligns with the modern character of his home and property. Ms. Anyzeski said that even if the ZBA determines that the shipping container could be considered a shed or an accessory structure in this case, the owner would still need to obtain a permit because it is over 200 square feet. Mr. Brainard said that unfortunately, there are no regulations in place regarding shipping containers. In addition, if the shipping container has been there over 3 years without any complaints, it becomes permissible so long as pursuant to the regulations, it can legally be on the property with a permit.

AJOURNMENT:

MOTION: Mr. Dotson moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 9:15 p.m. Mr. Adajian seconded the motion. The motion passed unanimously, 5-0-0.