



## **APPROVED MINUTES**

Zoning Board of Appeals  
Regular Meeting  
Monday, June 13, 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 June 13, 2016 to order at 7:30 p.m.

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

**ABSENT:** Bob Celmer (Alternate)

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

A quorum of the Commission is present.

### **MODIFICATION TO THE AGENDA:**

**MOTION:** Mr. Adajian moved to add an agenda item under Other Business entitled "Application Process." Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

**MOTION:** Mr. Brainard moved that File #2016-4; 15 North Street under New Business be addressed prior to opening the Public Hearing. Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

**REMARKS BY CHAIR:** None

## **PUBLIC HEARING**

**READING OF THE LEGAL NOTICE:** Read by Mr. Brainard

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 a 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

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

Applicant/ Owner, Charles Arrasate stood before the Commission to present his application. Mr. Arrasate stated that he wishes to build a garage on his property to house his '67 GTO. Due to it being a corner lot, there are two 40 ft front yard setbacks on his property (High Street and Cemetery Road). Mr. Arrasate is requesting a 14.3 foot reduction be made to the front yard setback located on Cemetery Road. He also noted that his lot is irregularly shape and inclines from the where his house is located up to the back of his property. Mr. Arrasate said there is a flat area at the back of the property where the garage would fit but that requires a variance. He added that his request would be in keeping with the neighborhood as the accessory structures on the neighboring lots are not setback 40 feet from the road. Mr. Julius Fiackiewicz of 11 East Hill Road who accompanied Mr. Arrasate said that the grave sites on Cemetery Road are located less than 40 feet from the road too. Mr.

Arrasate said that the proposed location of the garage is the only place on his property where he can put it.

Mr. Brainard said that while the applicant is seeking a large variance, the Commission must keep in mind the unique design and configuration of the lots in this subdivision. Mr. Fiackiewicz noted that the other thing to consider is that Mr. Arrasate's property is a rare lot with two front yard setbacks. These elements limit Mr. Arrasate's options in locating his garage.

Mr. Fiackiewicz, speaking as a member of the public, said he supports a variance approval in this case. Mr. Alan Weiner of 9 High Street and abutting property owner to Mr. Arrasate also spoke in favor of granting the variance. Mr. Weiner said that he and Mr. Arrasate's properties were created in the 1960's as part of a subdivision when the Collins Company started selling off the properties that they owned. He said the two lots are very oddly shaped because that is the way the Collins Company was able to create two lots that met the subdivision regulations at the time. Mr. Weiner said that because of the property's odd shape, steep topography, corner lot, and drainage ditch, the only place to build a garage would be in the flat area being proposed by Mr. Arrasate. He added that the hardship in this case is not self created or financial, but a hardship created by the property and the road.

Mr. Dotson offered the possibility of constructing the garage where Mr. Arrasate currently has a shed. Mr. Arrasate said that that would require excavation of the land and existing stone wall and would also not allow enough room between the garage and his home. Mr. Dotson mentioned his concern with the size of the variance being requested and commented that homeowner's have a certain responsibility to educate themselves on any limitations associated a property before purchasing it.

**MOTION:** Mr. Brainard moved to close the Public Hearing for File #2016-3; 13-15 High Street. Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

## 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 a 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

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

Mr. Brainard said the major hardships in this case are the irregularly shaped lot and the two 40 ft front yard setbacks in this subdivision that was not meant to have setbacks that large. The members discussed how there is no place on the property to build a garage where you would not run into a setback. Mr. Brainard said that the regulations in this case are so restrictive that the owner can not make reasonable use of his property.

**MOTION:** Mr. Dotson moved that for File #2016-3; 13-15 High Street a front yard setback variance in the amount of 14.3 feet be granted for the purpose of constructing a 672 +/- square foot detached garage in the location as shown on the Map provided by the applicant/owner, Charles Arrasate, dated April 6, 2016. The variance is being granted for the property's front yard setback located on Cemetery Road (corner lot). The hardship in this case is the irregularly shaped and undersized lot. Mr. Adajian seconded the motion. The motion passed by a vote of, 4-1-0 with Mr. Dotson objecting.

Mr. Dotson reiterated his opinion that owners should understand the limitations of a property before purchasing it.

## **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

Mr. Llewellyn was in attendance for the hearing of his application. Mr. Brainard advised Mr. Llewellyn that he was overcharged for the Certificate of Location fee he paid and is owed a refund of \$85. Mr. Llewellyn, owner of Ron's Automotive, LLC, advised the members of his intent to move his business to 15 North Street. Mr. Llewellyn said that the nature of his business will include automotive repair and the possibility of some used car sales. His operation at this location will be nothing beyond the business that was conducted by the former occupant, Collinsville Auto Repair. The members voted unanimously in favor of certifying the location at 15 North Street for a DMV license to be used by Ron's Automotive, LLC.

## **OTHER BUSINESS**

1. Approval of Meeting Minutes from May 9, 2016

**MOTION:** Mr. Adajian moved to approve the minutes from the May 9, 2016 Regular Meeting as presented. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

2. Staff Report
3. Application Process

The group discussed the idea of changing the way in which ZBA applications are processed. Currently, the timeframe between when the Commission members are receiving the application packets and when the Public Hearing for that application is opened is not allowing the members enough time to adequately review and research each case. They believe that this is unfair to the applicants who deserve a well informed Board and could also potentially have an affect on the rulings. The members agreed that the best course of action would be to follow the process currently adopted by the Planning & Zoning Commission. Applications would be considered officially received 35 days after their submission to the Land Use office or at the next Regular Meeting of the ZBA, whichever comes first. A Public Hearing must then be opened within 65 days after the application is received. It was agreed that Mr. Brainard would draft a letter addressed to the First Selectman, the Chief Administrative Officer, and the Town Planner indicating the Commission's intent to change the application process effective immediately. Mr. Brainard will also draft a second letter to the same individuals regarding an issue with the monthly meeting agendas not being received by the Commission members who do not have email access.

## **AJOURNMENT:**

**MOTION:** Mr. Adajian moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 8:58 p.m. Mr. LeGeyt seconded the motion. The motion passed unanimously, 5-0-0.