



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, December 3, 2014 – 7:30 p.m.

Shepardson Community Center Room

Present: David G. Alley, Chairman
Ken Long
Ray Caruso
Bernie Evans, Alternate
Linda Herrmann, Alternate
D.J. Mahoney, Alternate

Also Present: Curtis Bosco, Zoning Enforcement Officer
Rachel Primus, Recording Clerk

Excused

Absent: Brian Proulx
Bill Bellotti

Call to Order with Pledge of Allegiance

The meeting was called to order by David G. Alley at 7:30 p.m.

Seating with Regular Members

The regular members present were seated. David Alley appointed Linda Herrmann and Bernie Evans as regular voting members.

Approval of October 1, 2014 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Linda Herrmann and seconded by Ken Long to **APPROVE** the October 1, 2014 minutes.

VOTED: Unanimously with a motion by Linda Herrmann and seconded by Bernie Evans to **ACCEPT WITH AMMENDMENTS** the October 1, 2014 with the correction that the St. John of the Cross Church property is adjacent to the two properties owned by Wesson Energy Inc.

Public Hearing

- **Appeal # 3167** – Doris and Gary Meier, 41 Central Road Middlebury, CT seeking a variance of Section 11 of the Middlebury Zoning Regulations to construct/enlarge a residence that does not meet the minimum 40 foot requirement for the sideline. The applicant states the hardship is the current location of the structure coupled with a Right of Way on the westerly side of the property and narrow width of lot and wetland in rear of lot.

David Alley read the appeal into the record. Attorney Michael McVerry, 35 Porter Ave, representing the applicant, explained that the property consists of over an acre of land with the house in the middle of the lot. It is a narrow lot with 100ft of frontage on Central Road and 80ft of frontage in the rear. He said the house was built by Mrs. Meier's grandfather and is now currently owned by Mrs. Meier and her son. She wishes to remain in the property, but climbing the stairs in the house has become an issue and she would like the bedroom to be built on the first floor. The proposed location is the best location on the property to build. Attorney McVerry submitted a sketch of the property. He explained they would also be expanding the kitchen area, adding a bedroom and a bathroom in the rear of the property. Attorney McVerry submitted a letter from the Detzer's, the adjacent property owner's, who fully support the variance. He read it into the record. Attorney McVerry also submitted a copy of the Assessor's map into the record and reviewed it with the board. He noted the Detzer's house sits on top of the hill. He noted nothing could be built on this portion of the Detzer's property. Mr. McVerry noted the property is in and R80 zone which has a 40ft side line requirement, and the house currently is a non-conforming piece. At this time Attorney McVerry noted that letters have been sent to all adjacent property owners and have been submitted. He noted there is a wetland in the rear of the property. David Alley asked what the reasoning is that they are choosing to build so close to the sideline rather than further back from the structure. Attorney McVerry stated the layout of the house's kitchen is in this area and extending out back would encroach on other living area in the house. Ken Long noted the set of stairs shown on the plans and asked if it would be a one story addition. Mrs. Meier stated there is no attic currently or storage and the second floor would be a storage closet. Attorney McVerry stated it would not be a second floor living area. Mrs. Meier also noted that if they moved the addition to the rear it could affect their well. Ken Long noted the map shows a 25ft setback. Attorney McVerry stated it was upzoned in 1991 and the zone line is their property line.

VOTED: Unanimously to on a motion by Ken Long and seconded by Ray Caruso to **ACCEPT** Appeal #3167.

There was no public comment.

VOTED: Unanimously on a motion by Linda Herrmann and seconded by Bernie Evans to **CLOSE** the Public Hearing.

VOTED: Unanimously on a motion by Linda Herrmann and seconded by Ray Caruso to **APPROVE** Appeal #3167.

New Business

David Alley stated they are stream lining the application process by requiring homeowners to only appear before the board one time and have the public hearing at that time.

David Alley asked that the Code of Ethics passed out by the town be reviewed by the board and returned as soon as possible.

Other Business

David Alley stated he noticed the past minutes are posted to the website and he appreciated that was done. He also noted the meeting schedule needed to be discussed. Curt Bosco stated he cleared this room for the first Wednesday of each month for the 2015 year.

VOTED: Unanimously on a motion by Linda Herrmann and seconded by Ken Long to **ACCEPT** the dates of the meeting schedule to be at 7:30PM on the first Wednesday of every month.

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Ray Caruso and seconded by Bernie Evans to **ADJOURN** the meeting at 7:47 p.m.

These minutes are submitted subject to approval.

Respectfully submitted,

Rachel Primus

Recording Clerk

ZBA Members

CC: Town Clerk, Barbara Whitaker, Z.E.O.