

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, JUNE 1, 2020 VIA TELECONFERENCE AT 7:30 P.M.

Present

Marion Nero, Chairman; Jackie Cianci, Secretary; John Hilzinger, Christine Norton

Absent: Agnes White

Alternates: Gerald Devine and Douglas Noble and Virginia Ogurick

Staff: Michael Stollo, Zoning Enforcement Officer/Inland Wetlands Agent

I. CALL TO ORDER

Ms. Nero called the meeting to order at 7:36 p.m.

II. ROLL CALL

Ms. Cianci called the roll.

III. DETERMINATION OF QUORUM

Following roll call, a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

Those in attendance Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – Public Hearing/Regular Meeting

A MOTION was made by Ms. Cianci to accept the minutes of the March 2, 2020 meeting. It was seconded by Ms. Norton.

MOVED that the minutes of March 2, 2020 be approved subject to corrections, additions or deletions.

VOTE: The motion passed unanimously by those present.

VI. COMMUNICATIONS

There were no communications.

VII. PUBLIC HEARING

- | | | |
|---|-------------------|----------------------|
| 1. Brian & Beth Rock | 2020-06-01 | P.H. 06/01/20 |
| 194 Robin Lane | | MAD 08/05/20 |
| Requesting a 6' foot rear line variance of the | | |
| Required 30' foot rear line setback in an R-20 | | |
| Zone for an above ground pool | | |
| The resulting rear line setback requested is 24' feet. | | |

Secretary Cianci read the legal notice into the record.

The application of Brian & Beth Rock, 194 Robin Lane, Cheshire, CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a **6' foot rear line** variance of the required **30' foot rear line** setback for an above ground pool. The resulting rear line setback requested is **24' feet**. The property is located at 194 Robin lane, Cheshire, CT 06410, as generally shown on Assessor's Map No. 49, Lot No. 261, in an R-20 zone. Packet information is available for review on the Town website home page under: "documents distributed or displayed during virtual meetings"

Mrs. Nero stated that an A-2 survey was submitted.

Mrs. Nero also noted that there were five voting members and four affirmative votes were needed for the variance to pass.

Mrs. Nero then asked the applicants to state their name and address and to explain what the hardship is and why the application should be considered.

Both Mr. & Mrs. Rock were available to present their views to the committee. Mrs. Rock began by telling the committee that it is a corner lot and less than half an acre. The sewer line and a gas line run alongside the property and there is also a mature Maple tree and kids' playscape on the side. The only place for the pool is in the rear. They also told the committee that it would be an above ground pool.

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Mr. Noble said he drove by the property and felt that it is definitely a tight area and there were issues with both the gas line and the sewer line. He then asked Mr. & Mrs. Rock if the neighbors had been notified and was told that they were and there were no problems.

Mrs. Nero asked if it were possible to move the playscape. She was told that it would be extremely difficult and if it were to be moved the variance would be greater.

Mr. Devine asked the applicant if they had knowledge of the regulations that they were dealing with.

Mr. Rock said yes and if they hadn't previously put on an addition there would have been enough room. Mrs. Rock then asked if the variance would be for an in ground pool too or only an above ground pool. She also added that the pool will not be a permanent structure. At some point in the future it will be taken down.

Mrs. Nero asked what year the house was built and was told it was 1954 or 1955. Mrs. Nero then added that it is an exceptionally small lot and a corner lot and that zoning regulations were not in effect then.

Ms. Cianci asked if the pool was going to be near the deck.

Mrs. Rock said yes it would be right off the deck.

Mrs. Nero then asked the size of the pool and was told that it will be an oval above ground pool 15'x30'.

Mrs. Nero also asked if there any other comments before the decision.

Ms. Cianci had a comment from the committee. She felt that the size of the pool will fit in nicely in that spot.

There were no comments from the public.

Chairman Nero closed the public hearing.

VII. DECISION MAKING SESSION

**Brian & Beth Rock
194 Robin Lane**

2020-06-01

**P.H. 06/01/20
MAD 08/05/20**

**Requesting a 6' foot rear line variance of the
Required 30' foot rear line setback in an R-20 zone
For an above ground pool
The resulting rear line setback requested is 24' feet**

MOTION by Ms. Nero; seconded by Ms. Cianci.

Ms. Cianci read the legal notice.

MOVED that the Zoning Board of Appeals grants the variance of Section 32, Schedule B, Dimensional Requirements, requesting a **6' foot rear line** variance of the required **30' foot rear line** setback for an above ground pool. The resulting rear line setback requested is **24' feet**.

Based upon the evidence presented at the Public Hearing and the general knowledge of the members of the Board it is hereby found:

That a hardship (i.e., topography, lot configuration) exists to the property and to strictly apply the Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Regulations.

That granting of the variance will not confer upon the applicant any special privilege.

That the variance is the minimum variance that will make possible the reasonable use of the land.

The variance will not result in injury to the neighborhood or public welfare.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this hearing on June 1, 2020.

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Discussion

Mr. Noble felt that this was the best place for the pool. Based upon having 2 sides along the road and the existing footprint of the house this is the best place with the least amount of issues with setback. It cannot be put any place else.

Mrs. Nero said she was in favor of the variance because it was a small lot and a corner lot. The pool will be small therefore it is a hardship.

VOTE: 5-0 The motion passed unanimously by all those present.

The variance will not become official until filed on the land records of the Town of Cheshire in the Town Clerk's office. This is the responsibility of the applicant.

VIII. OTHER ZONING BOARD OF APPEALS BUSINESS

IX. ADJOURNMENT

MOTION by Mr. Noble; seconded by Mr. Devine.

MOVED to adjourn the meeting at 7:58 p.m.

VOTE: The motion passed unanimously by those present.

ATTEST:

Patricia W. Kuzmak, clerk
Zoning Board of Appeals

