

**MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS MEETING
HELD ON MONDAY, DECEMBER 3, 2012 AT 7:30 P.M. IN COUNCIL
CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Ken Wilson, Chairman; Marion Nero, Secretary; Vincent Lentini, John Pepper and Agnes White.

Alternate: Gerald Devine and Zachery Welburn

Absent: Jackie Cianci

Staff: David Kehoss, Zoning Enforcement Officer/Wetlands Agent.

I. CALL TO ORDER

Chairman Wilson called the meeting to order at 7:35 p.m.

Chairman Wilson read the emergency fire notice.

II. ROLL CALL

Secretary Nero called the roll.

III. DETERMINATION OF QUORUM

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

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – October 1, 2012

MOTION by Mr. Lentini; seconded by Ms. Nero

MOVED to accept the minutes of October 1, 2012 subject to corrections, additions, deletions.

Correction: Mr. Welburn's name should read "Zachery"

VOTE The motion passed unanimously by those present.

VI. ELECTION OF OFFICERS

MOTION by Mr. Lentini; seconded by Mr. Pepper.

MOVED that Ken Wilson be nominated for Chairman of the Zoning Board of Appeals.

The Chair called for other nominations for Chairman.

There were no other nominations.

VOTE The motion to elect Ken Wilson as Chairman of the Zoning Board Of Appeals passed unanimously by those present.

MOTION by Mr. Wilson; seconded by Ms. White.

MOVED that Marion Nero be nominated for Secretary of the Zoning Board of Appeals.

The Chair called for other nominations for Secretary

There were no other nominations.

VOTE The motion to elect Marion Nero as Secretary of the Zoning Board Of Appeals passed unanimously by those present.

VII. APPROVAL OF 2013 MEETING DATES

MOTION by Ms. Nero; seconded by Mr. Pepper.

MOVED that the Zoning Board of Appeals approve the 2013 meeting dates as follows: January 7, February 4, March 4, April 1, May 6, June 3, July 1, August 6, September 4 (Wednesday), October 7, November 4, December 2, and January 6, 2014.

Chairman Wilson noted that should it be necessary to change any of the meeting dates, the change would be posted as public notice by the Planning Department staff.

VOTE The motion passed unanimously by those present.

VIII. OTHER ZONING BOARD OF APPEALS BUSINESS

In response to questions from the Board members, Zoning Enforcement Officer Kehoss reported on some matters which have come before staff for review and consideration.

#1 – A resident owns a corner lot which includes setbacks on two sides, and wants to add onto a side of the house and go out further. Mr. Kehoss informed the resident that when a house is built on a corner lot the owner must designate the rear line, and once this line is set it can never be changed. The resident disagreed with this interpretation of the regulations and challenged Mr. Kehoss on the issue. Mr. Kehoss explained to the resident that zoning laws run with the land forever and in this instance the rear line cannot be changed.

#2 – Cease and Desist Order was issued for too many cars on a property on Plank Road and the cars had to be removed. Two cars were removed and the matter was referred to the Town Attorney for review.

Mr. Kehoss advised that Cheshire does not have a blight ordinance at the present time.

Chairman Wilson stated that ZBA members should be aware of the blight ordinances in other communities, as Cheshire may have such an ordinance in the future.

#3 – Two recreational vehicles (RV's) on front lawn of property on Moss Farms Road. Mr. Kehoss reported that the homeowner owned both vehicles. Staff received complaints about these vehicles and loud noise from an exotic bird coming from the house. He noted that staff could not help neighbors with the bird noises, but the homeowners did move both vehicles to the rear of the property, and are in compliance with the regulations.

#4 – Oregon Road property. Mr. Kehoss advised that this is a matter of public record. This property was appraised, and the appraiser asked about renting out a 2nd building on the property. Staff looked at the permit for the property – house, pool and pool shed, and the shed turned out to be a 2-family house, which was rented, and was in violation of the zoning regulations for many years. The matter was brought before the Planning and Zoning Commission (PZC). The property owner applied for a change in the regulations regarding in-law out buildings, and this is now considered a special permit through PZC, as an accessory building. The Board was told by Mr. Kehoss that this accessory building cannot be larger than the main house, cannot be rented out, and can only be used as housing for family members, employees or guests of the homeowner. With regard to taxation on this property for the last 10 years with the extra rental building, the Tax Assessor starts taxing when the Town becomes aware of the situation, and the taxes are not charged retroactively.

#5 – Rita Avenue property. Mr. Kehoss reported on this property being graded and sloping with the front higher than the rear. The owners want to add a 2nd floor which would have a roof line 42 ft. high, or 2 ft. over what is allowed in the regulations. Mr. Kehoss said the owners can go by the mean...the difference between the front and rear, and using this methodology could do an addition. They want to enlarge the house and change the roof line by the 2 feet. He informed the property owners that they could go before the ZBA, demonstrate a hardship related to the property, and ask the Board for a variance.

There were no other ZBA business issues to come before the Board.

IX. CHAIRMAN'S REPORT

Mr. Wilson extended Holiday Wishes to the Board members.

Mr. Wilson thanked Board members for attending this business meeting.

X. ADJOURNMENT

MOTION by Mr. Lentini; seconded by Ms. Nero.

MOVED to adjourn the meeting at 8:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk