

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**

Thursday, April 18, 2024 ~ 7:00 p.m.

**REGULAR MEETING / PUBLIC HEARING
Lebanon Town Hall**

MINUTES

PRESENT: David Geligoff, Chairman
Donna Skaats, Vice Chairman
Shelly Laibrandt
Scott McCall
Eilleen Weinstein
Guthrie Dinda, Alt.

ABSENT: Michael Nintean, Alt.
Philip Ziel, Alt.

1) Call to Order:

Chairman Geligoff called the April 18, 2024, Regular Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:00 p.m. It was noted that the lot number in the legal notice for application ZBA-24-2 was incorrect in the legal notice and should be corrected to Lot 34. Chairman Geligoff introduced the members of the Board.

2) Public hearings for the following:

- a) **#ZBA-24-2:** Kevin and Leslie Vonderkall (owners), 7 Ruth Lane, Assessor Map 106, Lot 34. Request variance to reduce setback from the lake from 75 feet required to 54.3 feet to construct 12' x 16' addition.

Chairman Geligoff opened the public hearing and entered the following exhibits into the hearing record:

A) Legal Notice; B) Two-page application; C) Copy of deed; D) Assessor Street Card for Map 106, Lot 34; E) Assessor Map 106, Lot 34; F) Abutters List; G) Proposed site plan showing addition; H) Certified mail slips and return receipt cards (collectively).

Chairman Geligoff submitted an aerial view map of the property for the record and labeled this exhibit 'I'.

Mark Reynolds, P.E., Reynolds Engineering Services LLC, 63 Norwich Avenue, Colchester, CT, was sworn in and reviewed the proposed site plan.

Mr. Reynolds described the property as on the lakeside and undersized, like many of the nearby parcels. The location and shape of the property are unique. The house is approximately 51 feet from the lake and existing, non-conforming, pre-existing to the enactment of the 75-foot lake setback regulation. Other alternative locations were explored, but the north side would require two variances. The largest and least non-conforming area was chosen. A wetlands permit has currently been granted for this project.

Mr. Reynolds feels that the addition does not increase the nonconformity with regard to the distance. The addition will actually be three feet farther away from the lake than where the existing house sits now. Other restrictions are the septic and pump chamber and room to access these for maintenance.

The location of the proposed addition is the most conforming. Other areas are not feasible. The other side of the house would require additional variances. The breezeway, garage and patio were constructed in 2017.

No objections have been received from neighboring property owners.

Ms. Skaats asked what is the hardship?

Mr. Reynolds responded that the hardship is that the 75-foot setback regulation was placed on this property after the house was existing. By the nature of the dwelling being existing, non-conforming, he believes is what forms the hardship.

There was no further discussion and no one else present to speak either in favor or in opposition to the application.

Chairman Geligoff read the notice regarding the appeal of decision according to the Connecticut General Statutes Sec. 8-8 and the public hearing was adjourned by Chairman Geligoff at 7:22 p.m.

- b) **#ZBA-24-3:** Anni and Aaron Cecil (owners), 165 Cook Hill Road, Assessor Map 204, Lot 15. Request variance to reduce front setback from 50 feet required to 28 feet to construct porch.

Chairman Geligoff opened the public hearing.

Owners Anni and Aaron Cecil were present and Anni Cecil was sworn in and spoke on the application. The house was originally built in the 1800's, bordering Cook Hill Road and Synagogue Road, with approximately 20 acres in Lebanon and 38 acres in Columbia. They are requesting to build a side portion of wrap around porch, connecting to the existing front porch and adding a circular area to connect the two sides, which will be no closer to the road than the existing front porch. It will be an open, covered porch, not enclosed and no screens, same style as the front porch, decorative Victorian style balusters and columns.

Chairman Geligoff entered the following exhibits into the hearing record:

A) Legal Notice; B) Two-page application with one-page attachment; C) Copy of deed; D) Assessor Street Card for Map 204, Lot 15; E) Assessor Map 204, Lot 15; F) Abutters List; G) Property map showing proposed porch; H) Certified mail slips and return receipt cards (collectively).

Ms.Cecil presented letters of support from neighbors, which Chairman Geligoff read into the record and labeled as the following exhibits:

Exhibit 'I': Letter in favor from John and Joanna Cirigliona, 80 Synagogue Road.

Exhibit 'J' Letter in favor from Jim and Jill Marocchini, 94 Synagogue Road.

Exhibit 'K' Letter in favor from Mary Sassi, 56 Synagogue Road.

Public Comment:

Joanne Sczurek, 67 Cook Hill Road, in favor.

Eileen and Timothy Wallace, 51 Synagogue Road, in favor.

There was no further discussion and no one else present to speak either in favor or in opposition to the application.

Chairman Geligoff read the notice regarding the appeal of decision according to the Connecticut General Statutes Sec. 8-8. The public hearing was adjourned by Chairman Geligoff at 7:34 p.m.

3) Discuss / Act on Public Hearing item:

- a) **#ZBA-24-2:** Kevin and Leslie Vonderkall (owners), 7 Ruth Lane, Assessor Map 106, Lot 34. Request variance to reduce setback from the lake from 75 feet required to 54.3 feet to construct 12' x 16' addition.

Ms. Skaats feels that there is no valid hardship for this application, and that no building should take place within the 75-foot setback to the lake.

Ms. Weinstein does believe that the shape of this property and the house being built prior to zoning regulations being enacted, believes could be a hardship. Also, the fact that the addition is being built three feet farther back from the lakeside of the house, not any closer.

Mr. Geligoff does not believe that there is a hardship, referring to case law and that a non-conforming use should not be made more non-conforming, that the hardship is self-inflicted.

Mr. McCall is understanding of people wanting to improve their homes, but noted that the Board has an obligation to consider rules and does not see a hardship as it is defined.

Ms. Weinstein agrees that when a property is purchased, it is understood what new zoning regulations are in effect, but feels that this is a strange lot and that the owners were trying to be as compliant as possible in choosing a location for the addition.

Ms. Skaats does not believe the Board has authority to grant approval to make a non-conforming use more non-conforming. Ms. Laibrandt agrees.

With no further discussion, Ms. Skaats made a motion, seconded by Mr. McCall, that the application ZBA-24-2 is to be denied. Vote: In favor (4) Geligoff, Skaats, Laibrandt, McCall. Opposed (1) Weinstein. Motion approved. Application denied.

- b) **#ZBA-24-3:** Anni and Aaron Cecil (owners), 165 Cook Hill Road, Assessor Map 204, Lot 15. Request variance to reduce front setback from 50 feet required to 28 feet to construct porch.

Ms. Skaats felt that the corner lot, regarding the setback requirements, is a hardship and has no problem with the request.

Mr. Geligoff agrees that a corner lot is a valid hardship, having to adhere to setback requirements on both fronts. Mr. McCall, Ms. Laibrandt, are in agreement that the corner lot presents a valid hardship.

Ms. Skaats made a motion, seconded by Mr. McCall, to approve application ZBA-24-3. Vote: In favor (5) Geligoff, Skaats, Laibrandt, McCall, Weinstein. Opposed: (0). Unanimously approved.

- 4) Approval of Minutes of Previous Meetings:

Ms. Weinstein made a motion, seconded by Ms. Laibrandt, to approve the March 21, 2024 ZBA Regular Meeting Minutes as presented. Motion approved. Vote: In favor: (5) Geligoff, Skaats, Laibrandt, McCall, Weinstein, Dinda Opposed: (0)

- 5) Old Business: None.
6) New Business: None.
7) Bills: None.
8) Correspondence: None.
9) Adjournment:

With no further business, the meeting was adjourned at 7:58 p.m. by Chairman Geligoff.

Respectfully Submitted,
Holli E. Smith, Recording Secretary
April 24, 2024

Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.