

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**

Thursday, May 21, 2015
7:00 p.m.

REGULAR MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Michael Okonuk, Vice Chairman
Kenyon Gardner
Michael Ninteau
Keith Sczurek, Alternate
Holli Pianka, Recording Secretary

ABSENT: Joyce Godere, Vice Chairman
Kathy Dunnett, Alt.
Jerome Walsh, Alt.

1) Call to Order:

Chairman Walsh called the May 21, 2015, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:00 p.m.

2) Discuss/Act on Public Hearing Item:

#ZBA-15-4390: Russell E. Smith, 129 Lake Shore Drive, Lebanon, CT, 06249, owner. Assessors Map 101, Lot 17, Lake Zone. Variance from Sec. 5.2 to reduce setback from edge of the water from 75 feet required to 27.8 feet requested for construction of an attached garage. *CONTINUED FROM 4/16/15.*

Russell Smith, applicant was present in the audience. The application was continued due to insufficient information distributed in the application packets and to allow members adequate time to review the full content of the file prior to their decision. Chairman Walsh spoke with Town Attorney Byrnes who advised the board to act on the application as presented unless the applicant chose to withdraw the application and reapply. Abutting neighbors had been notified of the pending application and the scheduled public hearing date according to the regulations and the complete file was available for review by all parties. Mr. Gardner felt that the request for a 47.8 foot variance was extreme as compared to other past variance requests denied by the board. The board discussed personal hardships not qualifying as a valid hardship. Chairman Walsh noted the following for consideration:

- Past applications with smaller variance requests denied had difference circumstances and mitigating factors.
- The parcel of land is uniquely shaped unlike the neighboring lots and could be considered a possible hardship. The shorefront located on one side of construction is set back 100 feet and the variance is related to a 10 to 12 foot wide inlet on that side of the addition.
- Unlike the neighboring lots, this parcel includes two front yard setbacks, which must comply with zoning regulations.

- The applicant was approved for zoning and building permits prior (for the same project). He had installed a larger than normal septic field to accommodate the addition, but never completed the addition and the permits expired. This was based on permit approval many years ago, erroneously granted by the town, and if the work had been completed prior to permit expiration, there would be no violation today.

Members discussed lack of hardship.

Michael Okonuk made a motion to deny application #ZBA-15-4390, seconded by Kenyon Gardner. In favor: (2) Okonuk, Gardner. Opposed: (3) Walsh, Ninteau, Sczurek. Motion approved. Application denied.

3) Approval of Minutes of Previous Meetings:

- a) Michael Ninteau made a motion to approve the April 16, 2015 Special Meeting Minutes, Michael Okonuk seconded, and the Board unanimously voted to approve the minutes as presented.
- b) Michael Ninteau made a motion to approve the April 16, 2015 Regular Meeting Minutes, Michael Okonuk seconded, and the Board unanimously voted to approve the minutes as presented.

4) Old Business: None.

5) New Business: None.

6) Bills: None.

7) Correspondence:

CFPZA newsletter.

8) Adjournment:

With no further business, Michael Okonuk made a motion to adjourn, seconded by Michael Ninteau. Motion unanimously approved and the board adjourned the meeting at 7:27 p.m.

Respectfully Submitted,
Holli E. Pianka, Recording Secretary
May 28, 2015

Minutes are unapproved as of transcription date.