

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, April 16, 2015 ~ 7:00 p.m.

SPECIAL MEETING
MINUTES

PRESENT: Jeffrey Walsh, Chairman
Kenyon Gardner
Michael Nintean
Michael Okonuk
Keith Sczurek, Alt.

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

ALSO PRESENT: Gail Schor, Court Stenographer, Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the April 16, 2015, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:01 p.m. Alternate member Keith Sczurek was seated for Joyce Godere. Chairman Walsh introduced the Board and then read the legal notice.

2) Public Hearing for the following:

- a) **#ZBA-15-4375:** Walter Stebner, 365 Cook Hill Road, Lebanon, CT, 06249 owner, Assessors Map 213, Lot 25. Variance from Sec. 5.2 to reduce front yard setback from 50 feet required to 28 feet requested for construction of porch.

Chairman Walsh entered the following exhibits into the hearing record:

- a) Legal Notice; b) Two-page application; c) Site plan showing proposed porch; d) Abutters List; e) Assessors Street Card Map 213, Lot 25; f) Assessors Map 213; g) Certified mail receipts and return receipt cards (collectively); h) Legal notice.

Glen Coutu, 375 Cook Hill Road, Lebanon, CT, was sworn in, to speak on behalf of the owner, Walter Stebner, who was also present. Mr. Coutu stated that the need for the variance stems from the discovery that the front boundary line is the stonewall bordering the front property line and not the centerline of the town as first thought. Further research of a survey confirmed that the town property line is indeed located along the stone wall. The house was built in 1953 prior to zoning regulations.

Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes.

With no further discussion, and no one in the audience to speak in favor of or in opposition to the application, Mr. Gardner made a motion to close the public hearing for application #ZBA-15-4375, seconded by Mr. Okonuk. Motion unanimously approved.

- b) **#ZBA-15-4379:** Mark & Lynn Coletta, 24 Mountain Road, Colchester, CT, 06415, owners, for property at 211 Lake Shore Drive, Lebanon, CT, 06249, Assessors Map 101, Lot 8, Lake Zone. Variance from Sec. 5.2 to reduce setback from edge of the water from 75 feet required to 59 feet at the closest point AND to reduce side yard setback from 10 feet required to 9.3 feet requested for construction of a deck.

Chairman Walsh entered the following exhibits into the hearing record:

- a) Legal Notice; b) Two-page application with 1-page attachment; c) Copy of the property description; d) Site plan dated 3/23/15 by Rob Hellstrom Land Surveying, P.O. Box 497, Columbia, CT, 06237, showing existing conditions; e) Site plan dated 3/23/15 by Rob Hellstrom Land Surveying, showing proposed deck; f) Abutters List; g) Assessors Street Card Map 101, Lot 8; h) Assessors Map 101; i) 2-page building plan of deck; j) Certified mail receipts and return receipt cards (collectively).

Mark Coletta, owner, was sworn in to speak and stated that he purchased the property in November, 2014. Mr. Coletta submitted photographs of the existing property which Chairman Walsh entered into the hearing record and labeled exhibit 'K'. He is requesting to remove the existing, old deck and concrete patio and construct a replacement deck farther from the water, increasing the setback distance from the lake and also increasing the setback from the side yard property line. Removal of the concrete materials and deck structures will also decrease the impervious surface coverage by over twenty percent. The existing deck is at ground level where the proposed deck is elevated.

There was no further discussion and no one in the audience to speak either in favor or in opposition to the application. Mr. Nintean made a motion to close the public hearing for application #ZBA-15-4379, seconded by Keith Sczurek. Motion unanimously approved.

- c) **#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.

Chairman Walsh entered the following exhibits into the hearing record:

- a) Legal Notice; b) Two-page application; c) Copy of the property description; d) Site plan dated 5/18/05 showing proposed attached garage; e) Abutters List; f) Assessors Street Card Map 101, Lot 17; g) Assessors Map 101; h) Aerial photograph; i) Certified mail receipts and return receipt cards (collectively).

Russell E. Smith, owner, was sworn in. He stated that he received zoning permit approval from the town in 2005 construction of an attached garage. He said that the garage was not built at the time due to street flooding onto the front yard of his property for which the town has recently installed a culvert to eliminate the flooding. He believes a hardship of the property is the irregular shaped parcel with water on three sides, this includes an inlet on the side yard. To move the garage forward would result in a front setback issue and also a smaller setback to the inlet. The existing shed shown on plan no longer exists. The site plan is the same as approved in 2005 from the building file. Mr. Smith submitted five (5) photographs which Chairman Walsh entered into the hearing record and labeled exhibit 'J'. A new septic system was installed at the time of the interior remodel. The Board reviewed the building plans. Chairman Walsh stated that his application does not reflect that there is living space above the attached garage. The building plans are a full set of plans included with the original building permit issued in 2005. Chairman Walsh labeled the building file for 211 Lakeshore Drive exhibit 'k' for discussion. Chairman Walsh referred to page 8.3 (floorplan) and expressed concern of allowing living space 27 feet from the water's edge. Mr. Smith stated that he had set back the garage from the water as much as possible. The roofline of the proposed garage is lower than the house peak and does not restrict any neighbor's view of the lake.

Michael Brothers, 44 Ackley Cemetery Road, Colchester, CT, building contractor, was sworn in, had question on why the concern of living space above the garage.

Public Comment

The following individuals were sworn in for comment:

John (Serbin?), 121 Lakeshore Drive, speaking in favor of the application.

David Gendreau, 159 Lakeshore Drive, speaking in favor of the application.

Martin Varhue, 77 Lakeshore Drive, speaking in favor of the application.

There was no further discussion and Kenyon Gardner made a motion, seconded by Michael Nintean to close the public hearing for application #ZBA-15-4390. Motion unanimously approved.

3) Adjournment:

Kenyon Gardner made a motion to adjourn the special meeting, seconded by Michael Nintean. Motion unanimously approved and the meeting adjourned at 7:44 p.m.

Holli E. Pianka, Recording Secretary

April 22, 2015

(Minutes are unapproved as of transcription date.)

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, April 16, 2015 ~ 7:00 p.m.
REGULAR MEETING
MINUTES

PRESENT: Jeffrey Walsh, Chairman
Kenyon Gardner
Michael Nintean
Michael Okonuk
Keith Sczurek, Alt.

ABSENT: Joyce Godere, Vice Chairman, Kathy Dunnett, Alt., Jerome Walsh, Alt.
ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the April 16, 2015, Regular Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:45 p.m.

2) Discuss and Act on Public Hearings:

- a) **#ZBA-15-4375:** Walter Stebner, 365 Cook Hill Road, Lebanon, CT, 06249 owner, Assessors Map 213, Lot 25. Variance from Sec. 5.2 to reduce front yard setback from 50 feet required to 28 feet requested for construction of porch.

Members agreed that given the additional distance from the stonewall to the centerline of the road being approximately 20 feet, it would almost appear visually that the proposed porch would not be encroaching on the front setback. The property is surrounded by farmland with no other homes nearby. The front yard is located at the widest point of Cook Hill Road and it is unlikely that there will be any changes to Cook Hill Road in the near future. It was the consensus of the commission that granting the variance would have no negative effect on the town's overall plan of development.

With no further discussion, Kenyon Gardner made a motion to approve application #ZBA-15-4375, seconded by Michael Nintean. Motion unanimously approved.

Chairman Walsh made a motion to amend application #ZBA-15-4375 to approve the variance in accordance with plans as submitted, seconded by Michael Okonuk. Motion unanimously approved.

- b) **#ZBA-15-4379:** Mark & Lynn Coletta, 24 Mountain Road, Colchester, CT, 06415, owners, for property at 211 Lake Shore Drive, Lebanon, CT, 06249, Assessors Map 101, Lot 8, Lake Zone. Variance from Sec. 5.2 to reduce setback from edge of the water from 75 feet required to 59 feet at the closest point AND to reduce side yard setback from 10 feet required to 9.3 feet requested for construction of a deck.

Mr. Okonuk is in favor of the application since the owner would be increasing the setback distance from the lake and side yard while replacing the pre-existing deck according to the new plans submitted.

Mr. Gardner disagrees since another application for similar construction in the same area was denied last year due to no hardship. Chairman Walsh agrees that there is no hardship with this application, but it is an improvement of the existing setback encroachment.

With no further discussion, Michael Okonuk made a motion to approve application #ZBA-15-4379 in accordance with plans as submitted, seconded by Keith Sczurek. Vote: In favor (4) Walsh, Okonuk, Ninteau, Sczurek. Opposed (1) Gardner. Motion passed.

- c) **#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.

Chairman Walsh stated that in his opinion, the configuration of the property makes it an unusual property, but questions the living space 28 feet from the water. He believes that there could be a natural hardship of the land and the shape of the land that affects just that lot in that area. Mr. Gardner was also concerned about the distance to the water. Board members agreed that there was not enough information included in the application packet for a complete review of the application and requested to continue application to the next scheduled meeting.

Kenyon Gardner made a motion to continue application #ZBA-15-4390 to the next scheduled meeting on May 21, 2015, seconded by Michael Okonuk. Motion unanimously approved.

3) Approval of Minutes of Previous Meetings:

- a) Michael Ninteau made a motion to approve the February 19, 2015 Special Meeting Minutes, Kenyon Gardner seconded, and the Board unanimously voted to approve the minutes as presented.
- b) Michael Ninteau made a motion to approve the February 19, 2015 Regular Meeting Minutes, Kenyon Gardner seconded, and the Board unanimously voted to approve the minutes as presented.

4) Old Business: None.

5) New Business: None.

- 6) Bills:** Michael Okonuk made a motion to pay \$90.00 CFPZA membership dues, seconded by Michael Ninteau. Motion unanimously approved.

7) Correspondence: None.

8) Adjournment:

With no further business, Kenyon Gardner made a motion to adjourn, Michael Okonuk seconded. Motion unanimously approved and special meeting adjourned at 8:20 p.m.

Holli E. Pianka, Recording Secretary
April 22, 2015

(Minutes are unapproved as of transcription date.)