

**Woodstock Zoning Board of Appeals  
Tuesday, October 11, 2016  
Regular Meeting– 7:00 p.m.  
Town of Woodstock Town Hall, lower level, Meeting Room B**

**MINUTES**

**I. Public Hearing**

- a. Call to Order – Meeting was called to order by Chair William Brower at 7:00 p.m.
- b. Roll Call – Robert Laurens, William Brower, Suzanne Woodward, Martin Nieski, Raymond Smith

Others present: Tina Lajoie (ZBA staff), Norm Thibeault, Leon & Carolyn Parrott

**c. #16-02 Leon T. Parrott, 17 Tattoon Rd – Request for Variance for side yard setback.**

Legal notice was read for the record, published in the Woodstock Villager on September 30 and October 7, 2016. Chair Brower explains ground rules for Public Hearing. Norm Thibeault of Killingly Engineering Assoc. is present on behalf of his clients, the Parrott's. His presentation was as follows in summary: Applicant is requesting variance of the side-yard setback from 20 feet to 5 feet in order to construct a 2-car garage and breezeway on the northern side of the property. He states that the lot was created by subdivision in 1990 prior to the adoption of the zoning regulations on January 21, 1992. He asks to correct the narrative in his application to reflect the correct adoption of the regulations. (Ray Smith is present at 7:03 p.m.).

Mr. Thibeault gives an overview and expresses his belief that a hardship exists in this case simply because the lot was created prior to the adoption of zoning regulations. He states that he spoke with D. Fey, ZEO, who could not find any setbacks applying to this particular lot/subdivision. It is his understanding that the setbacks did come into play after this lot was created. It is explained that the house is positioned closer to the northern property line and the driveway loops around due to the large chunk of ledge. About 12-15 feet off of the southern side of the house, the slopes drop off abruptly and there are wetlands along the property boundary adjacent to the Warinsky property. The placement of the structure in the front of the house is not an option due to the existing septic system. It is explained that Mr. Parrott was actually looking for a larger garage and breezeway which would have put him a foot from the property line and this was not recommended and discouraged by Mr. Thibeault. There were several options reviewed with dimensions and the current proposal seemed to be the best. There are steps from the breezeway which basically take up the same width as the existing steps. There's a stoop off the front and steps onto the pavement and right into the garage. They did consider eliminating the breezeway and just going directly into the garage and that created a couple of problems. There is an oil fill spigot coming out of the house and there's also ventilation from the oven/stove in the kitchen that discharges there. By building code, you have to be a minimum of 5 feet away from another structure with these vents. They looked at pulling it forward and entering the back of the garage with the stairs, but

found it affected the buried utilities, waterline and electrical line that come into the house from that corner.

He explains that this is the only reasonable location and hardship exists:

- setbacks that were adopted by the zoning regulations after the creation of this lot;
- septic conditions and the slopes;

ZBA has the authority to grant a variance when two conditions are satisfied:

1. Variance must be shown to not affect substantially the comprehensive plan.

He believes that after reading through, nothing is compromised as a result. The plan refers to the need to consider action steps and policy changes relating to the population change, specifically seniors aging in place and handicap population (page 27). Mr. Parrott is retired as a result of his handicap. He is gone through multiple operations because of a condition that he has. Mrs. Parrott recently had some heart issues as well. Although not a consideration for the hardship, it does however speak to the fact that the comprehensive plan for development calls specifically to that issue.

2. Adherence to the strict letter of the zoning ordinance must be shown to cause unusual hardship, unnecessary to carrying out the general purpose of the zoning plan. Response is that there is really no other suitable location for this garage. Enforcing this 20 foot side-yard setback would result in the applicant not being able to construct the garage. What is being requested is reasonable for what most people could do with their property, having a garage is typical to most homes in the area.

Another document that was referred to is “What is legally Required”, a guide to the legal rules for land use decisions in CT. There is case law contained therein that supports an approval in this case. In *Stillman vs ZBA*, appellate court determined that an addition to an existing home that required a setback variance was an appropriate use due that the size of the lot and the location of the existing well and septic system would prevent building an addition anywhere but within the setback. Hardship arose from the configuration of the lot and the location of the well and septic system, similar to this request.

Two letters are submitted for the record, one from Mr. Fox and one from Mr. & Mrs. Warinsky, signed by the neighbors that state that they are both in support of the expansion. Letters are read for the record. Mr. Fox is most affected by this proposal but he is not opposed to it.

There are questions from ZBA concerning the removal of trees in the area of the construction and some are on the neighbor’s lot. Some of them will need to be removed. The neighbors are aware of this, the fact that they will lose some of their privacy. There is a chain-link fence that runs close to the property line on the neighbor’s side which should not be affected by this construction. There is discussion on whether a 2- car garage is necessary, why not a one-car garage, which could meet their objective? Even with a one-car garage and the required steps, still not enough room. Mr. Thibeault explains that he did reduce by a total of 4 feet and what is being proposed is the minimum taking into consideration the elevation differences. For the record, abutters were notified within 500 feet radius and the Town of Putnam and the

water company by certified mail, as required. **MOTION BY S. WOODWARD, SECONDED BY R. LAURENS TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.**

**II. Designation of Alternates – Raymond Smith**

It is noted that Mary St. Onge will be moving out of town and has resigned from ZBA but her official letter has not yet been received.

**III. Review of Minutes – February 9, 2016**

**MOTION BY S. WOODWARD TO APPROVE THE MINUTES (02-09-16) AS PRESENTED, SECONDED BY R. SMITH. MOTION CARRIED UNANIMOUSLY.**

**IV. UNFINISHED BUSINESS**

**#16-02 Leon T. Parrott, 17 Tattoon Rd – Request for Variance for side yard setback.**

There is a review of the abutters and whether anyone has objected. No record of objection. M. Nieski comments that he does not believe there is anything specific about the lot that would support a variance. Is this a self-imposed hardship? There is a discussion on the difficulty of the lot, reasoning for house location due to ledge, whether these decisions set precedence.

**PUBLIC HEARING IS REOPENED FOR THE BENEFIT OF CLARIFICATION, BY S. WOODWARD, R. SMITH. MOTION CARRIED. M. NIESKI IS OPPOSED.**

Norm Thibeault provides clarification on the zoning regulations, and his understanding that whatever conditions happen to be on the parcel when it was created carry through with the lot, whether the zoning regulations changed or not. The house positioning was due to extreme slopes and wetland soils. The location of the driveway is also due to the sight line on the road and it was positioned to achieve the best possible sight line. In that regard, there are certainly conditions that create hardships. Configuration issue, septic is in the front of the house, slopes on the southern side, ledge and sight line issues which dictated the location of the house. Because this lot was created prior to the adoption of zoning regulations, there is a legitimate hardship and is a classic example of the regulations themselves putting a hardship on this property.

**MOTION BY R. LAURENS TO CLOSE PUBLIC HEARING, SECONDED BY R. SMITH. MOTION CARRIED UNANIMOUSLY.**

**Back to Unfinished Business:**

There is uncertainty as to what setbacks were in place when this subdivision was created. ZBA agrees that a decision cannot be made until this information is received and reviewed. The next meeting date will be November 9<sup>th</sup>, Special Meeting. Election date is November 8<sup>th</sup> and no meetings can be held on that date.

**MOTION BY W. BROWER TO ALLOW A SPECIAL MEETING ON NOVEMBER 9<sup>TH</sup> TO CONTINUE DISCUSSION ON THIS APPLICATION, SECONDED BY M. NIESKI. MOTION CARRIED UNANIMOUSLY.**

**V. New Business – None**

**VII. Other**

Comment from S. Woodward asking if the packets could be sent out earlier, when possible, that would be helpful.

**MOTION BY W. BROWER TO MOVE R. SMITH FROM ALTERNATE TO REGULAR ZBA MEMBER, SECONDED BY S. WOODWARD. MOTION CARRIED UNANIMOUSLY.**

**Motion is rescinded due to the fact that a letter of resignation has not yet been received from Mary St. Onge.**

**VIII. Correspondence & Bills**

a. Stonebridge Press, legal ads for Parrott – Approved for payment

**IX. Citizen's Comments**

**X. Adjournment**

**MOTION TO ADJOURN AT 7:50 P.M. BY W. BROWER, M. NIESKI. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Zoning Board of Appeals