

TOWN OF FARMINGTON  
ZONING BOARD OF APPEALS

May 18, 2020

Present for the online web conference was Chair Callahan, Commissioners Carrier, Llewellyn, Nadim, Phillips, Schoenhorn and Alternate Commissioners Brockelman, Marsh and Walsh. The Assistant Town Planner and Clerk were also present. The meeting was called to order at 7:10p.m.

Secretary Schoenhorn read the legal notice into the record.

**PUBLIC HEARING**

Jenelle Lepper – 2 Woodside Drive

Application for variance to construct accessory structure in other than required yard at 2 Woodside Drive, R30C zone. John Cragin presented the request for his daughter Jenelle Lepper. The hardship described is the topography of the lot as it slopes downward toward the rear property line and the western portion of her lot is heavily wooded. Ms. Lepper's yard is level closer to Coppermine Road as demonstrated in photos provided for clarification. A bed of stones visible in photos represented the location of the proposed shed. The Commissioners asked general clarifying questions on the yard and proposed location of the shed and asked about the exterior building material. No tree removal is proposed in conjunction with this work. Assistant Town Planner Rutherford confirmed that all notice requirements have been met.

There was no public comment in favor or in opposition to the application.

The public hearing closed at 7:26p.m.

Upon a motion made and seconded (Carrier/Phillips) it was unanimously

VOTED: To approve the Jenelle Lepper application for variance to construct accessory structure in other than required yard at 2 Woodside Drive, R30C, as presented and on file in the Planning Office.

Members voting in favor of the application felt the applicant sufficiently demonstrated a hardship and the proposed location would not negatively impact the neighborhood.

Salam Zakko – 55 Ely Road

Application for variance to reduce side yard setback from 40 feet to 29 feet for addition roof overhang at 55 Ely Road, R80 zone. Attorney William Galske represented the applicant and provided background on the reason for the addition to the house. Dr. Zakko suffers from polio and his doctors recommend he use aquatic exercise twice a day to strengthen muscles. The addition is proposed on the south side of the house in such a way so that it is symmetrical with the existing house. The configuration of the house on the lot does not offer a practical alternative location for the proposed addition; west of the house is the ridgeline; north is the location of the well, propane tank and generator; east is the location of the septic system. The proposed addition location is existing lawn area. Along the southern property line is a treed

buffer. Photos of the side yard were provided for clarification. Attorney Galske added the house is not parallel with the lot line. There was some discussion for clarification on the proximity to the ridgeline protection area and an additional approval needed by the Plan & Zoning Commission. The Board members asked for clarification on the adjacent parcel (Lot 8292), if it was developed or not. Assistant Town Planner Rutherford confirmed the parcel was privately owned and undeveloped. When asked what the applicant was currently doing for aquatic exercise, Dr. Zakko responded he used to swim in the aquatics room at Bristol Hospital, but it has become increasingly difficult for him to continue. Details of the floor plan provided were discussed and Dr. Zakko stated the space is designed to be handicap accessible. The Board members asked for confirmation that the addition itself does not encroach on the side yard setback, but the roof overhang does by 10 ft- 4 inches. The architect for the project explained that the roof overhang was primarily aesthetics to balance the overhang symmetry with the rest of the home and match the roof pitch of the rest of the home. The architect also noted that since the house is not parallel to the property line the length of the overhang into the setback is magnified. Assistant Town Planner Rutherford confirmed that all notice requirements have been met and a letter of opposition from Nancy Quierolo, 39 Ely Road dated May 12, 2020 was received for the record.

Attorney Mike Boiczuk represented Nancy Quierolo and spoke to his client's concerns in the May 12, 2020 letter of opposition. Attorney Boiczuk questioned the hardships discussed and how they pertain to the roof overhang.

Attorney Galske again reviewed photos of the side yard for clarification on location and the treed buffer.

The public hearing was closed at 8:18 p.m.

Upon a motion made and seconded (Schoenhorn/Carrier) it was

VOTED: 4 in favor, 2 abstentions (Llewellyn, Phillips) To deny the Salam Zakko application for variance to reduce side yard setback from 40 feet to 29 feet for addition roof overhang at 55 Ely Road, R80 zone.

Members voting in support of the denial felt the applicant failed to demonstrate a sufficient hardship specific to the property and only demonstrated sufficient personal hardship.

## MINUTES

### Meeting Minutes

12-16-19

Upon a motion made and seconded (Schoenhorn/Carrier) it was unanimously

VOTED: To approve the December 16, 2019 Zoning Board of Appeals meeting minutes.

The meeting adjourned at 8:26 p.m.

*SJM*