

TOWN OF FARMINGTON  
ZONING BOARD OF APPEALS

July 13, 2020

Present for the online web conference was Chair Callahan, Commissioners Carrier, Nadim, Phillips, Schoenhorn and Alternate Commissioner Brockelman, Marsh and Walsh. The Interim Town Planner and Clerk were also present. The meeting was called to order at 7:00p.m.

Chair Callahan appointed Alternate Commissioner Brockelman to vote on behalf of Commissioner Llewellyn.

Secretary Schoenhorn read the legal notice into the record.

**PUBLIC HEARING**

**Brian and Diane Wilson – 57 Valley View Drive**

Application for variances to reduce rear yard setback from 50 feet to 33 feet and reduce front yard setback from 50 feet to 27 feet for additions to house at 57 Valley View Drive, R40 zone. Diane Wilson described the request to expand the living space of their home; the kitchen/dining area and the master bedroom. November 17, 1958 a variance was granted for the original construction of the house. The parcel is odd shaped and has a very narrow buildable area. Mrs. Wilson also stated the house is built into the slope of the lot. The well is located on the right side of the home and the sanitary sewer connection is on the left side further limiting their ability to expand their home in a conforming manner. A photo, taken by a Board member, was presented for clarification purposes; clarifying the extent of the additions proposed.

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

The public hearing closed at 7:12 p.m.

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

VOTED: To approve the Brian and Diane Wilson application for variances to reduce rear yard setback from 50 feet to 33 feet and reduce front yard setback from 50 feet to 27 feet for additions to house at 57 Valley View Drive, R40 zone, 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 additions will not adversely impact the neighborhood.

**Noel Carrier – 15 Walnut Street**

Board member Carrier recused himself from this matter. Chair Callahan appointed Alternate member Marsh to vote on behalf of member Carrier.

Application for variance to reduce front yard setback from 20 feet to 5 feet for location of new house at 15 Walnut Street, R9 zone. Noel Carrier stated they began excavation work on the foundation of the new house and discovered the embankment was too close to the house and would limit the ability to create a back yard for the future homeowner. Mr. Carrier then reviewed the distances from the proposed house and existing homes to the street in the immediate area. The new house location as proposed will be approximately 46 feet from the edge of pavement of Walnut Street. The Board asked for clarification on

the approval history of this site and if the current grade of the steep slope has changed. The applicant is not seeking to alter the size of the house, simply to move the location into the front yard setback area. The adjusted location aligns the house at 15 Walnut Street with 13 Walnut Street. Mr. Carrier stated as soon as he noticed the proximity of the steep slope to the house, he met with Town staff on site to discuss. Interim Town Planner Rutherford clarified/described the extent of the right of way and the location of the large storm water pipe that runs in front of 15 Walnut Street.

Cory Bowie, 1720 Farmington Avenue, asked if grade changes due to development of this site will increase storm water runoff onto her property. Mr. Carrier explained the storm water runoff and how the roof leaders are piped to an underground system; commenting the storm water runoff will remain the same as it has been historically.

The public hearing closed at 7:47 p.m.

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

VOTED: 5 in favor to 1 opposed (Schoenhorn) to approve the Noel Carrier application for variance to reduce front yard setback from 20 feet to 5 feet for location of new house at 15 Walnut Street, R9 zone, 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 position of the house further forward more in line with the adjacent new home would not adversely impact the character of the neighborhood.

### **NEW BUSINESS**

#### **Plant 17, LLC – 1179 Farmington Avenue**

Plant 17, LLC has submitted an appeal of an Order of the Zoning Enforcement Officer. Their attorney has granted an extension of time and consented to scheduling the Appeal Hearing on September 21, 2020. This will provide their consultants additional time as there is considerable investigative work being done in response to the Order.

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

VOTED: To accept the Plant 17, LLC appeal from Zoning Enforcement Officer's Order regarding 1179 Farmington Avenue, EE zone and request for extension of time to open hearing September 21, 2020.

### **OTHER BUSINESS**

#### **21 Poplar Hill Road**

A letter was received by the property owner of 27 Poplar Hill Road to modify the conditional approval of a variance for garage construction granted by the Board on December 17, 2018. The prior approval was conditioned upon the planting of five arborvitae along the southern property line. The property owner instead installed a wood stockade fence and is asking to eliminate the need for arborvitae now that the garage is built. A certificate of occupancy has been held up because the property owner did not comply with the conditions of the variance. Board member Schoenhorn suggested that the manner in which the request for modification was raised to the Zoning Board of Appeals after the fact did not comport with the Board's procedures and bylaws, including whether a formal application to modify the prior approval was necessary, with statutory notice to all abutting property owners. Board members agreed that soliciting the

opinion from the Town Attorney on how to proceed was advisable and suggested that the property owner appear at a meeting to discuss his request directly with the Board.

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

VOTED: To table this matter until the September 21, 2020 meeting.

75<sup>th</sup> Anniversary

Board member Schoenhorn acknowledged that on March 7, 1945 the Town Council voted to create the Zoning Board of Appeals effective July 1, 1945 and that this is the 75<sup>th</sup> anniversary of the Zoning Board of Appeals.

**MINUTES**

Meeting Minutes

06-15-20

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

VOTED: To approve the June 15, 2020 Zoning Board of Appeals meeting minutes.

The meeting adjourned at 8:26 p.m.

*SJM*