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ZONING BOARD OF APPEALS
REGULAR MEETING
Draft Minutes
February 10, 2015

Chairman Matthew Berger, called the meeting to order at 7:05pm. Commissioners present this evening included: Matthew Berger, Lynn Conway, Virginia McCormack, Russell McDonough, and Bill Lyman. Candace Palmer, Zoning Enforcement Officer.

PUBLIC HEARINGS:
Secretary, Lynn Conway, read the call for the public hearings at 7:06 p.m. .

ZBA #15-01 Samuel Piotrkowski, owner; Bruce Hayn, applicant – Seeking a variance from ZR 5.1.1 Bulk Requirements to reduce the side yard setback from 5' to 3.41' and increase the F.A.R. from .25 to .32 for an addition to the residence and garage. Property located at 12 Willow St., Mystic. Assessor's Map 172 Block 12 Lot 4; Zone RH-10.

Tabled to the following meeting.

ZBA #15-02 Helene T. Ozycz – Seeking a variance from ZR 3.1.1.4 to reduce the side yard setback from 200' to 90' for an existing stable. Property located at 340 New London Turnpike, Stonington. Assessor's Map 138 Block 3 Lot 1; Zone GB-130.

Ms. Palmer explained the application and history of the lot. The barn became non-conforming upon approval of the subdivision approved in 2004, unfortunately this setback regulation was missed in the original subdivision approval. Attorney Ladwig spoke concerning the history as well, the stable has been in use since 1985 currently being used by the organization Horses Healing Humans. The hardship expressed was that losing the use of the stable would greatly diminish the proceeds of the owner. This use is permitted for the zone and is productive for the community. This variance would simply allow the existing stable to continue to be there. Mr. Lyman asked if there were newer homes built nearby and have there been any complaints to date. The owner, Tom Ozycz spoke and said they have not received any to date. The issue is being raised because they need a certificate of zoning compliance in order to sell the property to the organization currently using the property. The entire lot would plan to be purchased by the organization. Ms. Conway questioned who proposed the lot lines approved in the subdivision application in 2004. The applicant sent in proposed lot lines which were then reviewed by the planning department.

Public Comment: none against, none in favor.

General Public Comment: David Dunn, Oak Lane Extension, borders the property. Was previously unable to speak at the subdivision application hearing. Mr. Dunn is not against the application but would have offered the comment that the barn lay too close to the lot line. Ms. Palmer explained that the conservation easement is currently being resolved as well. There was also a stipulation to not have trails, but Mr. Dunn has noticed trails. Mr. Berger explained that they may be for private use but it would be explored. It was decided the owner would be a fee in lieu of open space as well.

Ms. Conway stated concern with hardship stated in the application that it is financial, which has not been acceptable. She believes it is a reasonable variance request but does not want to continue to

accept applications due partially to financial hardships. Ms. McCormack, explained that the town made and error that should be corrected. Mr. Lyman is in favor of the application due to the Town's error. Mr. McDonough is in favor and does not believe that the financial hardship is key, the town's error is the larger importance. Ms. Conway stated the way the hardship was presented was incorrect. Mr. Berger agrees with Ms. Conway to an extent, but the other reasons still exist and are relevant to the application.

Mr. Lyman moved to approve the application, seconded by Mr. McDonough, all in favor 5-0, motion was approved.

New Business:
ZBA #15-03 Rebecca Grills – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30' to 21' for an addition to a single family residence. Property located at 3 Pleasant St., Mystic. Assessor's Map 172 Block 2 Lot 12: Zone RA-20/RA-15 applies.

The application was accepted by the commission

Minutes:
Mr. McDonough moved to approve the minutes from Jan. 13th 2015, Ms. Conway seconded, one change regarding a name spelling, all in favor as amended 4-0, Mr. Lyman abstained, motion approved.

Ms. Conway moved to adjourn, Mr. McDonough seconded, all in favor 5-0, motion approved.