

Zoning Board of Appeals

Minutes

(meeting taped)

Special meeting: Thursday, June 17, 2010 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:35 p.m.

By roll call, members present: Mark Zeck, Richard Bartholomew, John Kowarik, David Manley and Alternates Earl Robinson and Sam Pollastro, Jr. Angelo Dirienzo was excused.

Building Official David Kopjanski was present.

Election of chair:

A motion was made by David Manley and second by John Kowarik. Move to nominate Mark Zeck as Chairman of the Zoning Board of Appeals. Motion carried unanimously.

No other nominations were received. The floor was closed.

Public portion: This public portion is to satisfy section 101 of the Charter of the City of Derby. No one came forward. Public portion was closed.

Approval of minutes: Motion was made by David Manley and second by Richard Bartholomew. Move to accept the minutes of January 7, 2010 and January 21, 2010, as written. Motion carried unanimously.

Alternate Sam Pollastro will be serving as voting member for the application.

Application No. 322 – Applicant: Martin and Barbara Hubbard. Location of affected premises – 57 Hawthorne Avenue, Derby, CT 06418. Appealing the following section of the Derby Zoning Regulations:

Section 195-26 (O) – Seeking a variance of two (2) feet to construct a six foot high fence in the front yard set back.

Mr. Martin Hubbard was present this evening. The chair asked for the certified receipts from the notifications on this application.

Motion was made by Richard Bartholomew and second by Sam Pollastro. Move to take a brief recess at 6:40 p.m. to allow the applicant time to retrieve the receipts. Motion carried unanimously.

Motion was made by David Manley and second by Richard Bartholomew. Move to return to the meeting at 6:45 p.m. Motion carried unanimously.

The certified receipts were presented to Mr. David Kopjanski and he stated that they appeared in order.

Mr. Hubbard explained that he had a six foot high wooden shadow box design fence in the same location as the one being proposed this evening. He did receive City approval for the installation of that fence many years ago. Now he is seeking to replace the existing fence with vinyl fencing, the same six foot height and shadow box design. He stated that the area has become more troublesome over the years and he is seeking to have the fencing for security and privacy. The fencing does not affect any line of sight for vehicular traffic.

Mr. Manley reviewed the hardship being represented in regard to this application. Mr. Hubbard reiterated the heightened need for safety and security in the area. Mr. Kopjanski stated that the house is approximately five feet from the property line and the house was built in the early 1920's prior to any zoning regulations. Being that close to the city street, anyone walking on the sidewalk can easily look into the residence. The reason section 195-26 was written was to address line of sight issues. This particular residence poses no problem with any line of sight difficulties. The fence does not interfere or impinge on any driveways. Mr. Bartholomew noted that if the fence was five feet from the property line, a six foot fence would be allowed but due to the house location, the five foot setback from the property line is not feasible.

At this time the chair opened the hearing for public comment. No one was present to speak for or against the application.

Motion was made by John Kowarik and second by David Manley. Move to close the hearing on application #322.

The chair noted that the posts from the previous fence still exist and if a section was being repaired, there would be no need to be seeking a variance. The owner has a permit for the original fence. The owner is installing a shadow box design similar to the existing fence.

Motion was made by David Manley and second by John Kowarik. Move to grant the variance for application #322 Applicant: Martin and Barbara Hubbard, Location of affected premises – 57 Hawthorne Avenue, Derby, CT 06418 to allow the installation of a six foot high dog eared shadow box vinyl fencing allowing the variance of section 195-26 (O) for height requirements within five feet of the property line. Motion carried unanimously.

Meeting Schedule for 2010:

Motion was made by David Manley and second by Richard Bartholomew. Move that the Zoning Board of Appeals will hold their regular monthly meetings on the third Thursday of each month

at 6:30 p.m. at the City Hall for the remainder of calendar year 2010 and January 2011. Motion carried unanimously.

The Zoning Board of Appeals meeting schedule for the remainder of 2010 calendar year shall be the third Thursday of each month at 6:30 p.m.:

July 17, 2010
August 19, 2010
September 16, 2010
October 21, 2010
November 18, 2010
December 16, 2010
January 20, 2011

Motion was made by David Manley and second by Richard Bartholomew. Move to adjourn the meeting at 7:00 p.m. Motion carried unanimously.

Respectfully prepared,
Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.