

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
SEPTEMBER 26, 2007**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Albert Gionet
Robert Haley

ALTERNATES PRESENT: Susan Shanbaum (sitting)

MEMBERS ABSENT: Robert Schneider, Secretary
Edward Slegeski
Paul Harnois

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Mark Pellegrini, Director of Neighborhood
Services and Economic Development

The Chair opened the Public Hearing at 7:00 p.m. The vice chair read the legal notice for the application when the call was made.

EMIL BURZ – application #2337 – request a variance to Article II Section 2.01.01 to reduce the rear yard setback to 21 feet (30 feet required) for an addition at 137 Columbia Drive, Rural Residence Cluster zone.

Koralia Burz, Mr. Emil Burz's daughter, explained the applicant's desire to add a deck onto the rear of their house at 137 Columbia Drive. She said that because of the location of the house on the lot and configuration of the lot it is necessary for a portion of the deck to intrude into the 30' rear yard setback.

There were no questions from board members and there was no testimony either for or against the application.

DONALD CYR – application #2338 – request a variance to Article II Section 4.01.01 and Article II Section 1.03.04(c)1 to reduce side yard to 18 inches (10' required) for a shed at 124 Constance Drive, Residence A zone.

Mr. Cyr explained his desire to replace an existing shed in the side yard with a 10' x 16' shed in approximately the same location. He said he originally planned to locate the shed in the rear and a tree was taken down to make room, but due to the topography it would be expensive to grade the site for the structure. Also, the location in the rear yard would leave the shed exposed to possible vandalism or theft since it would be close to Barry Road and would not be secured, and it would be in a location where it will be close to a stand of very mature pine trees which frequently drops limbs which may damage the shed, he said. Mr. Cyr felt the shed would reduce the usable area in the rear yard if it were placed in a conforming location. He said the existing 8' x 10' shed would be removed and replaced by the proposed 10' x 16' shed.

In response to questions from Ms. Maffe, Mr. Cyr said the existing shed was a "couple of feet" away from the property line. Mr. Davis said that if there was no building permit for the shed which Mr. Cyr said he did not obtain, then he could not tell if it was in a proper location but the zoning regulations allow for a minimum 3' separation between a property line and an accessory structure if it is located in the rear yard.

Mr. Cyr said the shed he intended to replace had been installed by him 25 years ago, and that had replaced a deteriorated shed in generally the same location.

There was no testimony either for or against the application.

The hearing closed at 7:15 p.m.