

**AMENDED
ACTIONS OF THE ZONING BOARD OF APPEALS
DATE: NOVEMBER 28, 2012**

MEMBERS PRESENT: James Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski

ALTERNATES PRESENT: Sandra Stough
Armando Darna (sitting)

STAFF PRESENT: James Davis, Zoning Enforcement Officer; Renata Bertotti,
Senior Planner; and Ginger MacHattie, Recording Secretary

The following actions were taken by the ZBA at its meeting of November 28, 2012:

ROBIN DELLASELVA – application #2012-107 – appeal the ZEO’s order that the home conducted operation is not permitted under the following article and sections: Article II Section 1.03.01(r) (1) that the occupation shall be confined to the inside of the house and shall not be carried on in any attached garage, unattached garage or on the grounds of the premises; (3) the occupation shall not be visible from the street by display of products or equipment; (7) the occupation shall not tend to excessively draw people and vehicles to the premises; (8) the occupation shall be conducted and operated only by the resident or family members; (10) no classes shall be held for purposes of giving lessons or instruction for more than two students or pupils at a time at 86 Ash Street, Residence AA zone.

MOTION: Mr. Haley moved to deny the appeal of the ZEO’s order with the modification to exclude the appeal under Article II Section 1.03.01 (r) 8 because the applicant demonstrated to the ZEO’s satisfaction that the home conducted occupation is conducted and operated only by the resident or family members. Mr. Slegeski seconded the motion and all members voted in favor of denial.

The reason for the denial was the ZEO is found to have acted with due cause.

ROBIN DELLASELVA – application #2012-108 – request a variance to Article II Section 1.03.01(r) (1), (3), (7), (8) & (10) to permit a personal fitness training home conducted occupation with limited outdoor activity at 86 Ash Street, Residence AA zone.

MOTION: Mr. Haley moved to deny the application for a variance with the modification to exclude the variance request under Article II Section 1.03.01 (r) 8 because it is no longer necessary. Mr. Gionet seconded the motion and all members voted in favor of denial.

The reason for the denial was the lack of hardship, the proposed home conducted occupation will impact the neighborhood and create excessive traffic generation and the nature of the outdoor classes is not appropriate for the residential neighborhood.

JUDY KECHEJIAN – application #2012-110 – request a variance to Article II Section 1.03.05(a) to allow the installation of an 8’ high fence (6’ permitted) along a 136’ long section of the northeastern property line at 64 Shepard Drive, Residence AA zone.

MOTION: Mr. Gionet moved to deny the application for a variance. Mr. Haley seconded the motion and all members voted in favor of denial.

The reason for the denial was the lack of the hardship and there are properties in the neighborhood with similar topography as this property which have 6’ tall fences.

APPROVAL OF MINUTES – of public hearing and business meeting of October 24, 2012

MOTION: Mr. Slegeski moved to approve minutes of public hearing and business meeting of October 24, 2012 as written. Mr. Gionet seconded the motion and all members voted in favor.

ADOPTION OF 2013 MEETING SCHEDULE

MOTION: Mr. Gionet moved to approve the 2013 meeting schedule. Mr. Slegeski seconded the motion and all members voted in favor.