

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS (ZBA)
7 Meetinghouse Hill Rd.
Franklin, CT 06254
MINUTES
REGULAR MEETING
Tuesday, November 22, 2022
7:30 P.M.

Minutes are "unapproved." Formal approval takes place at next meeting held where changes/corrections will be noted and voted into record)

1. Call to Order: Chairman Dougherty called the meeting to order at 7:30 p.m.

Members Present: Chairman Bruce Dougherty, Thomas Craney, Secretary Alden Miner, Henry Konow Jr., Traci Hastings

Alternates Absent: Jeremy Beisiegel, Kelsey Malik

Also Present: Zoning Enforcement Officer Ron Chalecki

2. Recognition of Visitors:

3. Public Hearing: Hearing was opened at 7:32 pm. Alden Miner read Public Hearing Notice into the record.

- a. **ZBA #22-02: ROBERT RILEY** For property located at 17 Pautipaug Lane, Assessor's Map 18, Lot 42, Zoned R-80; Requesting Variance to Zoning Regulation 4.4.4, for placement of inground pool 23.1' to side property line - variance of 1.9 feet requested

APPLICANT / PRESENTATION: Robert Riley was present. He noted inground pool was ultimately installed within side-yard setback area. Mr. Riley noted he inadvertently measured incorrectly using existing garage structure when considering pool placement. He now realizes he is encroaching on side yard set-back and is asking for variance to fix his error. Mr. Riley reviewed Improvement Location Survey Map (As-built) as submitted into the record. Pool was installed just prior to 2018.

ZONING ENFORCMENT OFFICER COMMENTS: Mr. Chalecki indicated pool is considered a structure and is addressed within Zoning Regulations. He noted applicants neighbor had indicated concerns with the look of the retaining wall along their abutting side yard of the applicant, and, that it also leaked water. Ron Chalecki and the Building Official performed site walk on property. It was discovered pool had been approved by the Town for a location parallel with the house but was actually installed perpendicular to the house without Town approval for such modification. It was noted, if pool was installed as approved, it would have required a significant amount of fill to be brought in to change grade of property.

Chairman Dougherty opened the floor for those to speak in favor of application:

1. Ms. Jeffrey was present to speak generally in favor of this application. She has concern with cement block wall both aesthetically and functionally because it leaks. Additionally, she has concern if she decides to sell property in future there would be an outstanding zoning issue so she wants to take care of this variance.

Chairman Dougherty opened the floor for those to speak against application: There were none.

4. Additions to the Agenda: None

5. Approval of Minutes:

- a. July 26, 2022:

MOTION #1 (11-22-22): made by Tom Craney **SECONDED BY** Alden Miner that the Zoning Board of Appeals approve Meeting Minutes of July 26, 2022 - as presented:

VOICE VOTE: Traci – Abstained

MOTION CARRIES

6. Correspondence & Commission Matters:

a. Approval - FY 23-24 ZBA Budget

MOTION #2 (11-22-22): made by Traci Hastings SECONDED BY Alden Miner that the Zoning Board of Appeals approve FY 23-24 Budget: Line Item 1300.10 Advertising / Supplies \$900.00

VOICE VOTE: UNANIMOUS; MOTION CARRIES

b. Approval - 2023 Meeting Calendar:

MOTION #3 (11-22-22): made by Tom Craney, SECONDED BY Alden Miner that the Zoning Board of Appeals approve 2023 Meeting Calendar as presented

VOICE VOTE: UNANIMOUS; MOTION CARRIES

c. Connecticut Federation Planning & Zoning Newsletters (Winter/Spring/Summer 2022: REVIEWED.

7. Unfinished Business:

- a. **ZBA #22-02: ROBERT RILEY** For property located at 17 Pautipaug Lane, Assessor's Map 18, Lot 42, Zoned R-80; Requesting Variance to Zoning Regulation 4.4.4, for placement of inground pool 23.1' to side property line - variance of 1.9 feet requested

It was noted responsibility lies with the landowner to contact the Town if there are changes to an approved permit of any type. There was disappointment the applicant did not do this.

It was noted topography of the land was a challenge regarding pool installation location which would also requiring a significant amount of fill and major adjustments to lay of the land.

ZB

MOTION #4 (11-22-22): ZBA #22-02: ROBERT RILEY made by Henry Konow SECONDED BY Alden Miner that the Zoning Board of Appeals grant the Variance for #22-02 Robert Riley.

1. Variance granted to Regulation 4.4.4 Side & Rear Yard set-back of 1.9 feet
2. Hardship being topography of property

VOICE VOTE: UNANIMOUS; MOTION CARRIES

8. Unfinished Business:

9. Public Comments: None.

10. Adjournment:

MOTION #5 (11-22-22): made by Thomas Craney SECONDED BY Alden Miner that the Zoning Board of Appeals adjourn the meeting at 7:54 p. m.

VOICE VOTE: UNANIMOUS; MOTION CARRIES

Respectfully submitted,
Sherry Pollard