

# **CIVIC ASSOCIATION OF SHORT BEACH**

## **ZONING BOARD OF APPEALS**

**P.O. BOX 2012  
Short Beach, Conn. 06405**

### **NOTICE OF PUBLIC MEETING**

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on January 7, 2008 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

### **AGENDA**

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the December 3, 2007 meeting of the ZBA
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Correspondence:

#### **Old Business:**

8. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning regulation Section 10.6
9. Review the draft document "procedures for application process"
10. Review Ct. Gen. Statutes. Chapter 14 FOI
11. Review application process, fee schedule and notice requirements.
12. Review zoning regulations Section 4.6.1 and 4.7.1

#### **New Business:**

13. Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 3rd day of January 2008

David J. Peterson, Chairman - Short Beach Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held January 7, 2008 at the Union Church.

(Paragraph numbers refer to agenda items)

1. New application submissions. None received.
2. The meeting was called to order at 7:30 p.m.
3. Present: Chairman David Peterson, Clerk Dave Burdett, Suzanne Pierson, Pat Nielsen and Joan Armstrong, regular members; and Helen Wong, alternate.
4. Minutes of the meeting of December 3 were read by the Chairman and unanimously approved.
5. Not applicable.
6. The Chairman reported the legal notice for the February 4 public hearing is ready for publication at the appropriate time.
7. There was no correspondence.

#### OLD BUSINESS

8. Question of powers to adopt changes in zoning regulations.

The Chairman reviewed requirements of the Civic Association's Executive Board and the State for changing regulations. Legal advice has also been offered informally by Attorney Mark Branse. Open discussion followed.

It was reiterated that changes voted at the last annual meeting appear to be invalid because proper procedures were not observed. Only the Executive Board has the power to change regulations; a vote at a membership meeting has no standing. The Executive Board acts as a separate commission for zoning and different rules apply to their exercise of this function. The Chairman reported in conjunction with the Executive Board president a review was made of files at the Town Clerk's office to determine what information had been recorded in the past regarding new regulations. Significant omissions of public hearings for years from 1991 raise doubts about the validity of changes involved therein.

Also discussed was what effect, if any, that such past violations could have on previous ZBA decisions and whether civil rights and due process considerations might be involved.


The Chairman reported the Executive Board is working on a possible public hearing to consider the matter of charter revision. This subject will remain open for subsequent ZBA discussion.

Agenda items 9-12 were tabled.

ZBA minutes of Jan. 7, 2008 - P. 2

There being no further business, meeting adjourned by unanimous vote at 9:25 p.m.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary

# CIVIC ASSOCIATION OF SHORT BEACH

## ZONING BOARD OF APPEALS

P.O. BOX 2012  
Short Beach, Conn. 06405

### NOTICE OF PUBLIC MEETING

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on February 4, 2008 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

### AGENDA

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the <sup>Jan 7, 2008</sup> ~~December 3, 2007~~ meeting of the ZBA
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Correspondence:

#### Old Business:

8. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning regulation Section 10.6
9. Review application process, fee schedule and notice requirements.

#### New Business:

Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 1st day of February, 2008

David J. Peterson, Chairman - Short Beach Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held February 4, 2008 at the Union Church.

(Paragraph numbers refer to agenda items).

1. New application submissions. None received.
2. The meeting was called to order at 7:35 p.m.
3. Present: Chairman David Peterson, Clerk Dave Burdett, Suzanne Pierson, Pat Nielsen and Joan Armstrong, regular members. David Perkins, ZEO of the Civic Association, was in the audience.
4. Minutes of the January 7, 2008 meeting were approved unanimously as written.
5. Not applicable.
6. Not applicable.
7. No correspondence received.

OLD BUSINESS

8. Question of powers to adopt changes in zoning regulations.

In a recent letter to all Civic Association members, the Executive Board outlined upcoming plans, including possible charter revision. Item 8, therefore, will not require any further action on our part for the present.

9. Review of application process, fee schedule and notice requirements.


As previously discussed, abutters are defined in state statutes. However, Atty. Branse says the term could be expanded to encompass additional properties in the neighborhood. Notification requirements are now satisfied with a Certificate of Mailing (PA 06-80), although it is possible, he feels, to utilize other forms of notice as well. We will continue to look into signage as one more way to inform abutters.

The charge for a Review of Decision, now deleted from our fee schedule, is appropriate no longer in view of a previous court opinion. However, some related fees may be allowed provided they have a basis that courts will accept.

There was general discussion of zoning matters in the community with the ZEO participating.

There being no further business, meeting adjourned by unanimous vote at 8:30 p.m.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary

**CIVIC ASSOCIATION OF SHORT BEACH  
ZONING BOARD OF APPEALS**

**NOTICE OF PUBLIC HEARING**

The Zoning Board of Appeals of the Civic Association of Short Beach will hold a Special Meeting on Monday, February 18, 2008, at 7:30 p.m. at the Union Church, 11 Pentecost St., Short Beach, Connecticut for the purpose of holding a Public Hearing on the following application for a variance of the Zoning Regulations of the Civic Association of Short Beach:

1. # 08 – 01 Appeal of John Harris / Applicant – Owner. Property located at 186 Clark Avenue, Short Beach, Branford, Connecticut. Seeking variance of Section 7.1 Schedule A.5.a to allow street line setback of 15.0 feet where 20.0 feet is required and seeking variance of Section 7.4 to allow a right of way setback of 2.0 feet (0.4 feet existing) where 6.0 feet is required for the construction of a single story deck and stairs.

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 28th day of January 2008  
David J. Peterson  
ZBA Chairman

Minutes of a special meeting (for purpose of a public hearing) of the Zoning Board of Appeals of the Civic Association of Short Beach held February 18, 2008 at the Union Church.

The meeting was called to order at 7:35 p.m.

Present: Chairman David Peterson, Pat Nielsen, Suzanne Pierson and Joan Armstrong, regular members; and Mark Winik and Helen Wong, alternates. Mark Winik was seated initially as a regular member, but when identified as an abutting property owner he recused himself and joined the audience. Thereafter Helen Wong was seated.

Also present: David Perkins, abuttor.

The meeting heard an appeal of John Harris (08-01) to construct a front deck at 186 Clark Avenue seeking a variance of Section 7.1 Schedule A.5 to allow street line setback of 15.0 feet where 20.0 feet is required, and seeking variance of Section 7.4 to allow a right-of-way setback of 2.0 feet (0.4 feet existing) where 6.0 feet is required for the construction of a single story deck and stairs.

Mr. Harris stated that strict application of regulations would produce undue hardship because his property could not be fully utilized nor could there be full enjoyment of waterfront views. Moreover, the property is encumbered by an easement to a right-of-way which limits his building options. The right-of-way provides access to a Town-required sewer pumping station at the rear of the property and also parking for the neighboring house. This situation affects his property more than adjacent others, which already have enclosed porches or decks providing waterviews.

The Chairman pointed out that hardship cannot be personal in nature and harmony with the comprehensive plan is not an issue.

Asked about the CAM requirement, Mr. Harris said he was told by the Town it could be deferred subsequent to his ZBA application being approved. The Chairman reviewed ZBA regulations which state a CAM review must be available before a decision is reached and therefore must come first.

The Chairman also pointed out the copy of the Civic Association zoning permit application denial dated 6/11/07 lacks the applicant's signature. Mr. Harris said what he had submitted and was accepted at the time of ZBA review on 12/31/07 was signed and he could produce same. However, the Chairman stated that documents required for submission purposes are not considered approved as to contents, which can only come at a public hearing.

Pat Nielsen expressed her opinion that the document be returned for signature and the hearing go no further until the question of subject matter jurisdiction is settled. After discussion it was decided to allow the applicant an opportunity to correct the signature deficiency but note the CASB error as a factor in our deliberations. Mr. Harris may also provide missing information on certain aspects of the plot plan to clarify questions raised.

Mr. Harris produced evidence of mailing notices to all abutting property owners.

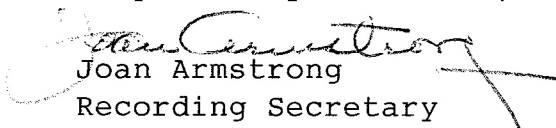
In a period of comments from the public, David Perkins agreed that the pump station easement is a Town-created hardship. He supports approval of the variance with conditions: need for signature on CASB permit; CAM application being allowed after ZBA approval; and measuring certain distances from apparent street line. Mark Winik agreed the right-of-way encumbrance is a hardship; the project is a good addition to the neighborhood; and there would be no adverse effect on property values.

At this point the Chairman outlined options for proceeding for Mr. Harris' consideration. It would be the ZBA's preference for extending the time frame (for up to 35 days) so the hearing could be continued at the next regular meeting (March 3). Mr. Harris could use this period to modify existing information or add new material as needed.

Mr. Harris subsequently asked in writing that such an extension be granted. Thereafter it was moved, seconded and unanimously voted to accept his request and further consider his application on March 3.

In view of the continuation agreement, this phase of the public hearing was concluded at 9:20 p.m.

Respectfully submitted,

  
Joan Armstrong

Recording Secretary



**CIVIC ASSOCIATION OF SHORT BEACH  
ZONING BOARD OF APPEALS**

**NOTICE OF PUBLIC HEARING**

The Zoning Board of Appeals of the Civic Association of Short Beach will hold a Public Hearing on Monday, March 3, 2008, at 7:30 p.m. at the Union Church, 11 Pentecost St., Short Beach, Connecticut on the following application for a variance of the Zoning Regulations of the Civic Association of Short Beach:

Continued from February 18, 2008:

1. # 08 – 01 Appeal of John Harris / Applicant – Owner. Property located at 186 Clark Avenue, Short Beach, Branford, Connecticut. Seeking variance of Section 7.1 Schedule A.5.a to allow street line setback of 15.0 feet where 20.0 feet is required and seeking variance of Section 7.4 to allow right of way setback of 2.0 feet (0.4 feet existing) where 6.0 feet is required for the construction of a single story deck.

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 19th day of February 2008

David J. Peterson  
ZBA Chairman

# **CIVIC ASSOCIATION OF SHORT BEACH**

## **ZONING BOARD OF APPEALS**

**P.O. BOX 2012  
Short Beach, Conn. 06405**

### **NOTICE OF PUBLIC MEETING**

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on March 3, 2008 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

#### **AGENDA**

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the February 4, 2008 meeting of the ZBA
5. Public Hearing: 186 Clark Avenue, continued from February 18, 2008
6. Consider and accept or reject new applications as to completeness
7. Prepare Legal Notice for publication if required
8. Correspondence:
9. New Business:  
    Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 28<sup>th</sup> day of February, 2008

David J. Peterson, Chairman - Short Beach Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held March 3, 2008 at the Union Church.

(paragraph numbers refer to agenda items)

1. New application submissions - none received.
2. Meeting called to order at 7:42 p.m.
3. Present: Chairman David Peterson, Clerk Dave Burdett, Pat Nielsen, Suzanne Pierson and Joan Armstrong, regular members. Audience: Mark Winik and David Perkins.
4. Minutes of the February 4, 2008 meeting were unanimously approved as read.
5. Public hearing: 286 Clark Avenue, continued from February 18, 2008.

John Harris outlined compliance with the Board's request of February 18 by: submitting a properly signed copy of the variance application; revised plot plan showing designated parking areas consistent with the survey; and clarifying certain dimension figures in question.

In a public comment opportunity David Perkins reiterated his position from February 18 that hardship was created by the right-of-way easement and not self-inflicted, and neighbors would not be affected adversely by a favorable decision.

The Chairman offered remarks to provide further grounds for the Board's consideration. Regarding the street line issue, the survey uses property line for measurements, so approval could be conditioned to defining street line as property line. Case law cited on the CAM issue says that a board could condition CAM action as a needed component for approval. David Perkins commented that the Executive Board does not require pre-approval from CAM for its considerations and that the Town is responsible for this information.

The hardship basis affecting waterviews and best use of property was disallowed. However, the Sewer Authority easement on access to its pumping station reducing size of the front yard and limiting construction options has validity as an argument. Mark Winik spoke in support of Perkins' views and acknowledged the additional information provided by the Chairman is helpful in determining hardship.

There being no further questions, it was unanimously voted to close the public portion of the meeting at 8:28 p.m.

At 8:30 p.m. a motion was approved to deliberate on this application.

Pat Nielsen asked that we consider voting separately on the setbacks, i.e. sideline and frontline. After agreement to do so, she moved to approve the sideline variance because the easement clearly presents a hardship. Motion approved unanimously.

This parcel's property line, according to survey, is the street line. The Zoning Commission did not determine otherwise. After discussion it was moved to approve this variance, citing as hardship that the literal enforcement of regulations to front yard size would result in a reduced area for a deck so small as to be unreasonable. Approval would be subject to conditions:

1. Street line is same as property line.
2. Decision subject to CAM action.
3. The structure to be unroofed.

Voting in favor: Peterson, Burdett, Pierson, Armstrong.

Voting opposed: Nielsen.

Motion carried 4-1.

There being no further business, meeting adjourned at 9:35 p.m.

Respectfully submitted,



Joan Armstrong  
Recording Secretary

# **CIVIC ASSOCIATION OF SHORT BEACH**

## **ZONING BOARD OF APPEALS**

**P.O. BOX 2012  
Short Beach, Conn. 06405**

### **NOTICE OF PUBLIC MEETING**

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on April 7<sup>th</sup>, 2008 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

### **AGENDA**

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the March 3, 2008 meeting
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Correspondence: letter of resignation
8. Review application process, fee schedule and notice requirements
9. Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the day of 6<sup>th</sup> day of April, 2008

David J. Peterson, Chairman  
Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held April 7, 2008 at the Union Church.

(paragraph numbers refer to agenda items)

1. New application submissions - none received.
2. Meeting called to order at 7:43 p.m.
3. Present: Chairman David Peterson, Clerk Dave Burdett, Pat Nielsen, and Joan Armstrong, regular members; and alternate Helen Wong, seated as a regular member for this meeting.
4. Minutes of the March 3, 2008 meeting were unanimously approved as written.
5. N.A.
6. N.A.
7. The Chairman reported that Fred Bortolan had submitted in writing his resignation as an alternate.
8. N.A.
9. Old business

a. Signs

Previous discussion was reviewed on using signs as an additional way to fairly apprise the public of a pending ZBA action. A sign on a busy street, for example, could give more exposure to a scheduled hearing. The Chairman presented copies of the Town of Middlefield regulations for suggestions as to wording, which could include: applicant's responsibility for posting sign; size; information contained (date, time, place); and uniformity. Pat Nielsen agreed to submit a format for such a regulation. There was consensus for proceeding with the sign approach as a supplemental form of notice. Further discussion to be held at a future meeting.

b. Site/plot plans

There is a need for regulations to require additional information on plot plans to avoid questions as to specifics as shown thereon. The plot plan becomes a legal document in conjunction with an A-2 survey. To be included: direction arrow, signature of preparer, size of paper used and scale of measurements. A revised version will be presented at the next meeting.

c. Public hearing procedure

The Chairman recommended having drafts of approval resolutions available for help with our decision-making process. The information provided ends up on a property deed, so it must be accurate.

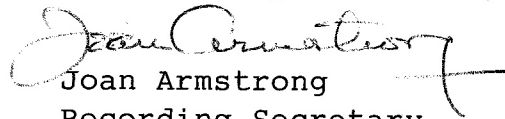
ZBA minutes of April 7, 2008 -- p. 2

The written procedure summary needs to emphasize the definition of hardship because that has been a factor in recent court cases. The Chairman will submit a proposed re-write.

Another clarification is needed for the public comment provision in which favorable and opposing viewpoints are heard.

There being no further business, meeting adjourned by unanimous vote at 8:30 p.m.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held June 2, 2008 at the Union Church.

Present: Chairman David Peterson, Clerk Dave Burdett, Pat Nielsen and Joan Armstrong, regular members; and Mark Winik, alternate.

The meeting was called to order at 7:35 p.m. without an agenda.

No new applications were submitted.

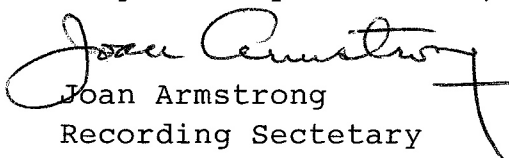
A general discussion was held on current ZBA matters. In conjunction with the CASB annual meeting on July 25, Pat Nielsen agreed to act on her suggestion to re-cap ZBA actions of the past year so that the public's attention will be called to this board's place in service to our community.

Two board members whose terms expire this year are David Peterson and Pat Nielsen. They can be candidates for re-election.

Miscellaneous other concerns were also discussed briefly.

There being no further business, meeting adjourned at 8:20 p.m.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary



Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held October 6, 2008 at the Union Church.

Present: Regular members Pat Nielsen, Joan Armstrong and Helen Wong; and Temporary member Ann Davis. (Pat, Helen and Ann are serving under temporary appointments by the CASB for three months while the question of ZBA membership status is resolved. Ann agreed to act for this meeting as a regular member to constitute a quorum.)

Pat Nielsen served as Acting Chairman and discussion began at 7:36 p.m.

Pat read a letter from David Peterson stating that this meeting has no jurisdiction because no agenda or notification requirements were published. Pat stated her opinion that the Board has an obligation to deal with the existing impasse and could do so by electing a Temporary Chairperson and Clerk so that some business could be conducted now. Anything of substantive nature would be deferred to the next meeting (November 3), prior to which the legal requirements noted in Peterson's letter could be fulfilled. It was agreed unanimously to convene and conduct necessary business at this time.

Elections were held to organize the Board as currently constituted. By unanimous vote nominees were elected as follows: Temporary Chairperson, Pat Nielsen; Temporary Clerk, Helen Wong; Recording Secretary, Joan Armstrong (continuing previous appointment.) Temporary terms will be in effect until the CASB meeting in November, when permanent appointments and length of such terms should be decided. Our suggestions for ZBA membership may be helpful to the Executive Board in making these appointments.

Although not on a published agenda, the Board voted to accept for consideration of completeness an application for a variance by Lisa Cabral, 137 Shore Drive, for a change to her existing non-conforming side setback measurement from  $4\frac{1}{2}$  feet to a net reduction of  $1.8\frac{1}{2}$  feet to extend an addition along the current house line. Ms. Cabral was represented in the presentation by Jos. Dudgeon.

A review of the procedure (Form 30) for submission of a variance application showed omission of information relative to an A-2 survey and a detailed plot plan. Mr. Dudgeon asked that the 1964 survey he provided be considered acceptable because the two reference points shown thereon are still in place and were used by him to measure the property line. A waiver of our requirement for an A-2 survey was therefore requested. After discussion it was moved to agree to a waiver in light of delays in acceptance of the application due to ZBA problems and further delays which would be needed to complete a new survey, as well as the original survey's reference points apparently being sufficiently reliable for this proposal.

The motion was passed by a 3-1 margin: For, Joan Armstrong, Helen Wong, Ann Davis. Opposed, Pat Nielsen.

In regard to a detailed plot plan, it was voted to allow provision of this information (required by Form 30, Sec. 3.6) if submitted to members of this Board for review before the October 13 CASB meeting.

A motion to grant provisional acceptance of the Cabral application was unanimously approved, subsequently with the addition that a public hearing will be scheduled for the ZBA meeting of November

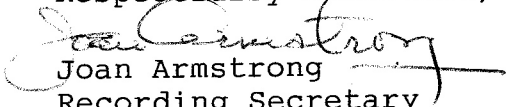
3.

The application<sup>for</sup> a review of a CASB action submitted by David Peterson as of June 8, 2008 was not considered because additional information is needed. Pat Nielsen will inform David in writing that we need to know if he intends to pursue his appeal (no follow-up has been evidenced) and to provide documentation on which the CASB approval was based. (The CASB minutes excerpt is not sufficient).

In light of the upcoming absence of Temporary Clerk Helen Wong it was agreed to have Ann Davis act in this capacity for such time as is necessary to meet notification requirements for the November 3 meeting. Ann also will deliver the check for \$175 received from Lisa Cabral to the treasurer of CASB.

There being no further business, meeting adjourned by unanimous vote at 9:15 p.m.

Respectfully submitted,

  
Joan Armstrong

Recording Secretary

# CIVIC ASSOCIATION OF SHORT BEACH

## ZONING BOARD OF APPEALS

P.O. BOX 2012  
Short Beach, Conn. 06405

MEETING AGENDA  
Monday, November 3, 2008  
7:30 p.m.  
Short Beach Union Church

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of October 6, 2008
3. PUBLIC HEARING AND POSSIBLE ACTION ON PUBLIC HEARING ITEMS:
  - A. Application #2008-7-3, 137 Shore Dr., Requesting a variance of Section 4.6.1 and Schedule A 5f to allow a setback of 4'3.5" instead of 6' from the east lot line to build an extension increasing the pre-existing non-conformity. Owners/Applicants; Lisa Cabral
4. OLD BUSINESS
  - A. Meeting Schedule
5. BILLS AND CORRESPONDENCE - bills will go directly to CASB
6. NEW BUSINESS
7. Adjournment

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held November 3, 2008 at the Union Church.

Present: Chairman Pat Nielsen, Mark Winik, Ann Davis and Joan Armstrong, regular members; and alternate Tim Nicholas, who was seated as a regular member for this meeting.

The meeting was convened at 7:37 p.m. No new appeals were presented.

After the call to order at 7:42 p.m. minutes of the October 6, 2008 meeting were approved by a 4 to 1 vote, with Tim Nicholas abstaining.

#### Appeal for Variance

A public hearing was held on application 2008-7-3 by Lisa Cabral, 137 Shore Drive, for a variance of Sec. 4.6.1 and Schedule A5f to allow a setback of 4 ft. 3.5 in. instead of 6 ft. from the east lot line to build an extension increasing a pre-existing non-conformity. Ms. Cabral was represented by Jos. Dudgeon.

Mr. Dudgeon outlined a plan to extend the existing line of the house at the east side of the property as part of an extensive renovation project. Re-arrangement of the kitchen layout adds 8 feet to the end of that room and the proposed use of one wall would be lost if the appeal is not approved. Hardship is created by the location of the house on the land.

The Chairman reminded members that Regulation section 10.3 refers to findings of existing conditions especially affecting the parcel of land for which a variance is sought, as a result of which conditions a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship and that the variance necessary to relieve the exceptional difficulty or unusual hardship is the minimum necessary to accomplish such purpose.

In the public comment portion, favorable reception to the plan was expressed by: Chip Danker, Nadja Cardona, Nancy Judd and John LaGreca, and written approval came from Virginia Charlotte and Amy Pagnozzi. No objections were received.

The public hearing was closed at 8:20 p.m. by unanimous vote.

At 8:22 p.m. the board opened deliberations on this appeal. Among observations made:

The variance seems minimal.  
Consider the ability to build kitchen as desired.  
Size of property large, but available space limited by  
current house location.

Whether the sideline's closeness to the adjacent property would deter a future sale of that property is not this board's concern.

Would a hardship be created by the difficulty of having to move the kitchen to the opposite side of the house?

Even with the enlargements as proposed, the property is not near limits of area coverage.

Although it could be agreed that the house line be revised to jog inward for 8 feet would it accomplish anything since where the house sits on the land is still the hardship factor?

It was concluded that to eliminate the existing non-conformity of the house it would have to be relocated in its entirety -- not a feasible possibility. Therefore the best way to deal with the issue in this case would involve compromise. Mark Winik then moved to vote approval of the application with a finding of hardship based on the way the house is positioned on the land and the exceptional difficulty of re-situating plumbing and appliances to make it conform. Motion seconded by Ann Davis.

Result of the vote: In favor, Armstrong, Nicholas, Winik, Davis; opposed, Nielsen (based on the lack of an A-2 survey as waived at the October meeting).

Deliberations concluded at 8:55 p.m.

At 9 p.m. the meeting proceeded:

#### Old Business

##### 1. Meeting schedule

The following schedule for meetings in 2009 was suggested by the Chairman:

January 5, February 2, March 2, April 6, May 4, June 1, August 3, October 5, November 2 and December 7.

No meetings are scheduled for July and September, comparable to 2008. In the absence of other input, it was unanimously agreed to proceed as proposed.

##### 2. Bills will be sent directly to the CASB as previously.

3. In connection with his application for an Appeal for a Review of Action dated April 14, 2008 David Peterson noted he has no problem with Mr. Piscitelli's building, but has questions as to the records of CASB action. Our manner of filing (Sec. 3.1) requires receipt of copies of the decision of the Zoning Officer or CASB. A state statute was read regarding the procedure for an aggrieved person to supply such information. David will follow up on this. Due to confusion as to whose responsibility this was, for just cause it may be necessary to extend the period for complying with the requirement.

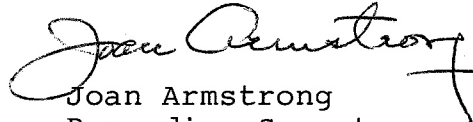
ZBA meeting of November 3, 2008 - p.3

New Business

The Chairman asked that the agenda for the next CASB meeting include names of persons currently appointed to the ZBA, filling any remaining vacancies, and extension of appointments of members through the date of the next annual meeting.

There being no further business, meeting adjourned by unanimous vote at 9:32 p.m.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary

# **CIVIC ASSOCIATION OF SHORT BEACH**

## **ZONING BOARD OF APPEALS**

**P.O. BOX 2012  
Short Beach, Conn. 06405**

**MEETING AGENDA  
Monday, December 1, 2008  
7:30 p.m.  
Short Beach Union Church**

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of November 3, 2008
3. OLD BUSINESS
  - A. Meeting Schedule
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
  - A. Zoning Regulations
  - B. Manner of Filing
  - C. Forms
  - D. Other?
6. Adjournment

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held December 1, 2008 at the Union Church.

Present: Chairman Pat Nielsen, Ann Davis, Helen Wong and Joan Armstrong, regular members; and alternate Tim Nicholas, who was designated a regular member for this meeting in the absence of Mark Winik. Also present: David Peterson, CASB president.

The meeting was convened at 7:55 p.m. No new appeals were presented.

After the subsequent call to order, minutes of the November 3, 2008 meeting were amended under Item 3 of Old Business with the last two lines to read: "The statute information, provided by the appellant David Peterson, but not an official copy, was discussed. As a result, David said he would not pursue the matter further." Minutes then approved unanimously.

#### Old Business

Written copies of the previously-approved 2009 meeting schedule were distributed.

Bills and correspondence -- none.

#### New Business

A. The Chairman reminded members that it is important to have copies of our zoning regulations available for reference at meetings. Everyone now has this material.

B,C. Forms for the manner of filing appeals for variances and the applications for so doing (#30 and #31) need to be re-visited to be sure the most recent version is on file and on our web site. To facilitate discussion, Pat will review previous minutes and other information to determine where things now stand.

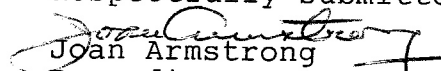
#### D. Other

It was agreed to obtain individual copies of Connecticut Land Use Law ('07 ed.), a publication of the Connecticut Bar Association, for members' reference needs.

Questions were raised as to approval of waiving our A-2 survey stipulations during a consideration review of October 6. Discussion made clear the need to include specifics of the A-2 requirement. It was agreed to put this item on the agenda for the January 5 meeting.

There being no further business, meeting adjourned at 9:05 p.m. by unanimous vote.

Respectfully submitted,

  
Joan Armstrong  
Recording Secretary



# CIVIC ASSOCIATION OF SHORT BEACH

## ZONING BOARD OF APPEALS

P.O. BOX 2012  
Short Beach, Conn. 06405

### Regular Scheduled Meeting Dates for 2009

January - 5  
February - 2  
March - 2  
April - 6  
May - 4  
June - 1  
July - no meeting  
August - 3  
September - no meeting  
October - 5  
November - 2  
December - 7

All regular meetings are held on the first Monday of the month at 7:30 p.m. at the Short Beach Union Church, at 11 Pentecost Street in Short Beach, Connecticut. Regular meetings may be canceled by notice from the ZBA Chairman.

Patricia Nielsen  
ZBA Chairperson