

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

**MEETING AGENDA
Monday, January 4, 2010
7:30 p.m.
Short Beach Union Church**

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of December 7, 2009
3. OLD BUSINESS
 - A. Rules Discussion
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
6. Adjournment

Next Meeting: Monday, February 1, 2010

Minutes of a meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held January 4, 2010 at the Union Church.

Present: Chair Pat Nielsen, Ann Davis, Helen Wong and Joan Armstrong, regular members; and Tim Nicholas, alternate.

1. No new applications were submitted.

Meeting called to order at 7:42 p.m.

2. Minutes of the regular meeting of December 7, 2009 were approved unanimously.

3. OLD BUSINESS

A. Rules Discussion

As agreed previously, Pat distributed copies of Connecticut Statutes from Sec. 8-5 through 8-11 (January 2009 volume) defining ZBA operations that we could construe as rules for this Board. Ann reported her study of the 1977 rules (previously mentioned) found them confusing and not workable, and recommended we follow the State's provisions. An informal discussion of some of that material was held, but it was agreed members should review it individually before continuing this process at the next meeting.

B. Freedman matter

Pat reported she has not yet met Gerald Freedman's request for a copy of the Notice of Decision discussed at the last meeting because she needs a legal description of the property confirmed by deed. Receipt of this information from Mr. Freedman will enable her to proceed.

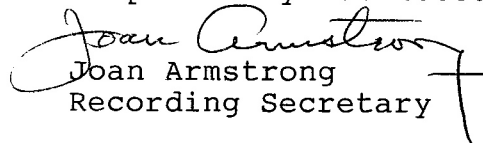
4. Bills and Correspondence - none.

5. NEW BUSINESS

None.

6. There being no further business, meeting adjourned at 8:43 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

No agenda for Feb. 1, 2010

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held February 1, 2010 at the Union Church.

Present: Chair Pat Nielsen, Ann Davis, Helen Wong and Joan Armstrong, regular members; and Suzanne Pierson, alternate.

No new applications were submitted for consideration.

Meeting called to order at 7:35 p.m.

Minutes of the regular meeting of January 4, 2010 were approved unanimously.

OLD BUSINESS

A. Freedman matter

Pat reported she has obtained the information regarding his property requested by Gerald Freedman and will submit it to him shortly.

B. Rules discussion

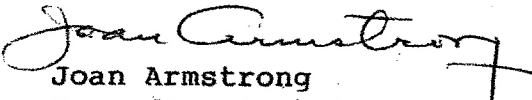
Following general consensus that Connecticut Statutes (Sec. 8) relative to ZBA operations require further individual review, it was agreed to defer this discussion until the March meeting.

NEW BUSINESS

None.

There being no further business, meeting adjourned at 7:55 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, April 5, 2010
7:30 p.m.
Short Beach Union Church

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of February 1, 2010
No meeting March 1, 2010 – no quorum
3. OLD BUSINESS
A. Rules Discussion
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
6. Adjournment

Next Meeting: Monday, May 3, 2010

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held April 5, 2010 at the Union Church.

Present: Chair Pat Nielsen, Ann Davis, Helen Wong, Mark Winik and Joan Armstrong, regular members; and Suzanne Pierson, alternate.

1. No new applications were submitted for consideration.

Meeting called to order at 7:35 p.m.

2. Minutes of the regular meeting of February 1, 2010 were approved unanimously. There were no minutes for March 1, 2010 as no meeting was held due to lack of quorum.

3. OLD BUSINESS

- A. Rules Discussion

- Pat is revising the Manner of Filing Appeal for Review of Action (Form 31) to reflect how an appeal of a decision of the Executive Board or ZEO is to be filed first with that board and then forwarded by them to the ZBA, in accordance with state statute provision.

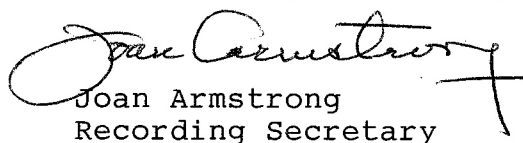
4. Bills and correspondence - none.

5. NEW BUSINESS

None.

6. There being no further business meeting adjourned at 7:55 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**

**MEETING AGENDA
Monday, June 7, 2010
7:30 p.m.
Short Beach Union Church**

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of May 3, 2010
3. OLD BUSINESS
 - A. Rules Discussion
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
 - A. ZBA Report
6. Adjournment

*Last Meeting: Monday, August 2, 2010
pending appointment/election of ZBA members at CASB Annual Meeting*

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held June 7, 2010 at the Union Church.

Present: Chairman Pat Nielsen, Mark Winik, Helen Wong, Ann Davis and Joan Armstrong, regular members; and Suzanne Pierson and Tim Nicholas, alternates.

1. No new appeals were submitted for consideration.

Meeting called to order at 7:45 p.m.

2. Minutes of the meeting of April 5, 2010 were approved unanimously. There were no minutes for May 3, 2010 as no meeting was held due to lack of a quorum.

3. OLD BUSINESS

Rules discussion

A revised Form 31 (Manner of Filing Appeal for Review of Action) was presented by Pat as follows:

Change in Item 2 (number of copies submitted) to seven (7).

Add provision (Item 4) so that procedure for action to be taken conforms with State statutes (Sec. 8-7).

After discussion it was unanimously voted to make the revised version of Form 31 effective as of this date, June 7, 2010.


4. Bills and Correspondence - none.

5. NEW BUSINESS

Pat presented for review a draft of her annual report to the CASB annual meeting. It was suggested to use 84-86 Riverview Avenue as the address in Item B-2. With this change the report was approved for submission by unanimous vote.

There being no further business, meeting adjourned unanimously at 8:10 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

ZONING BOARD OF APPEALS OF THE CIVIC ASSOCIATION OF SHORT BEACH

APPEAL FOR A REVIEW OF ACTION
MANNER OF FILING USING FORM 31

FOR APPEALS WHERE IT IS ALLEGED THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, OR DECISION MADE BY THE EXECUTIVE BOARD OR ZONING ENFORCEMENT OFFICER OF THE CIVIC ASSOCIATION OF SHORT BEACH

1. All applications for an Appeal For A Review Of Action (Form 31) shall be contained in the official form adopted by the Zoning Board of Appeals (ZBA) for that purpose, which shall be available from the Executive Board of the Civic Association of Short Beach. An appeal shall be taken to the ZBA within two (2) months after notice of a decision by the Executive Board or Zoning Enforcement Officer (ZEO) of the Civic Association of Short Beach.
2. Seven (7) copies of the Application with original signatures of the applicant (or agent) and the owner (if applicable) shall be submitted. All information requested on form shall be completed by the applicant and be consistent with all other documents. If extra space is needed, use separate sheets of paper.
3. Applications must be submitted to the Executive Board or Zoning Enforcement Officer of the Civic Association of Short Beach. Applications shall be accompanied by the following documents:
 - 3.1 Six (6) copies of the Decision of Executive Board or Zoning Enforcement Officer of the Civic Association of Short Beach.
 - 3.2 Six (6) copies of any other documents that have subject matter pertinent to applicants' claim. This may include copies of deeds, land surveys, topographical surveys, building plans, plot plans, photographs, tax records, assessment records, receipts, previous zoning applications or permits, and/or any other document(s) deemed necessary by the ZBA. These requirements may be waived at the discretion of the ZBA.
4. The Executive Board or Zoning Enforcement Officer of the Civic Association of Short Beach will then transmit to the ZBA all papers constituting the record upon which the action appealed was taken.
5. Applicant is responsible for notification of all adjoining property owners, (and subject property owner if applicable) by certified mail. Notice must be mailed no later than 14 days prior to the hearing. Receipts (certificate of mailing) must be submitted at the hearing. This requirement may be waived at the discretion of the ZBA.
6. The ZBA at its discretion may deny an appeal (without prejudice) for a failure to comply with any of the foregoing rules.
7. On an application for a rehearing the applicant must allege new facts and prove same at the hearing.
8. The ZBA will hear appeals only when submitted by the owner (or agent) of a subject property, or any Property owner that owns land within 100 feet of any portion of the subject property, or any Officer, department, board or bureau of any municipality aggrieved by an action of the Executive Board or the Zoning Enforcement Officer of the Civic Association of Short Beach.

Civic Association of Short Beach
Zoning Board of Appeals
Report – June 2010

I. 2009 – 2010

A. Meetings

1. The board met regularly on the first Monday of each month with the exception that no meetings were held in July or September. In addition, there was no meeting in March and May because there was no quorum.

B. Applications - the ZBA received two applications this year:

1. #2009-2 241 Clark Avenue (Appeal for Review of Action) – DENIED (8/3/2009)
2. #2009-3 ~~104~~³⁷⁻⁸⁶ Riverview Avenue (Appeal for Variance) – GRANTED (8/3/2009)

C. Accomplishments

1. Forms, Policies & Procedures –

The ZBA continued to work on modifying its forms, policies and procedures. The goal in doing so was to insure that they complied with state statutes and that they would be more user-friendly for the homeowners of Short Beach. Changes have been made to the following items:

- a. Manner of Filing Using Form 30 and Form 30A
- b. Manner of Filing Using Form 31

II. Next scheduled meeting: August 2, 2010

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

**MEETING AGENDA
Monday, August 2, 2010
7:30 p.m.
Short Beach Union Church**

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of June 7, 2010
3. Election of Chair and Secretary
4. OLD BUSINESS
5. BILLS AND CORRESPONDENCE
6. NEW BUSINESS
 - A. ZBA Report
7. Adjournment

Next Meeting: Monday, October 4, 2010

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held Aug. 2, 2010 at the Union Chapel.

Present: Chairman Pat Nielsen, John Nicholas (newly appointed) and Joan Armstrong, regular members; and Suzanne Pierson, alternate, acting as regular member for this meeting.

1. No new appeals were submitted for consideration.

Meeting called to order at 7:45 p.m.

2. Minutes of the meeting of June 7, 2010 were approved unanimously.

3. Elections

Pat noted that election of officers was now in order for the coming year. Accordingly, nominations were made and seconded for Pat Nielsen as chairperson and Joan Armstrong as recording secretary. There being no further nominations, this slate was approved by acclamation.

4. OLD BUSINESS

Forms

Pat reported not all forms are current on the CASB website, although completed by the ZBA. She will work with Robert Silten of CASB on an orderly review of all material involved.

5. Bills and Correspondence - no bills; see below for correspondence.

6. NEW BUSINESS

A. ZBA annual report - this was presented at the CASB annual meeting on July 30, 2010.

B. Other

Pat distributed a letter from Attorneys Gibson & Donegan asking for all copies of documents or other written material on file re property at 82-86 Shore Drive. It is currently part commercial and residential, whereas separation into two parcels may be under consideration by the owner. Pat will reference records in our possession to find out if past actions were consistent and she will work with the CASB president to resolve any issues.

There being no further business, meeting adjourned at 8:07 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, October 4, 2010
7:30 p.m.
Short Beach Union Church

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of August 2, 2010
3. PUBLIC HEARING AND POSSIBLE ACTION ON PUBLIC HEARING ITEMS:
 - A. Application #2010-1, 86 Shore Drive, Appeal of denial of zoning permit by Executive Board of the Civic Association of Short Beach. Owner/Applicant: Albert Petrosino
3. OLD BUSINESS
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
6. Adjournment

Next Meeting: Monday, November 1, 2010

[Handwritten signatures and initials]

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held October 4, 2010 at the Union Church.

Present: Chairman Pat Nielsen, Ann Davis, Jon Nicholas, Helen Wong and Joan Armstrong, regular members.

1. No new appeals were submitted for consideration.
2. Meeting called to order at 7:40 p.m. Minutes of the regular meeting of August 2, 2010 were approved unanimously.
3. Public hearing and possible action on public hearing items:
A. Application #2010-1, 86 Shore Drive, appeal of denial of zoning permit by Executive Board of the Civic Association of Short Beach. Owner/applicant: Albert Petrosino

Attorney David Gibson represented the owner. Also present: L. W. Fisher, surveyor.

Attorney Gibson said the property in question is in two zones, residential and commercial. (Survey maps of the property were on display.) He presented documents giving additional history of the property but which may not have been known to the Executive Board at their meeting in July. The owner wants to convey the property to persons now leasing it.

Gibson stated the owner's plan is to combine #82 Shore Drive, which already meets lot requirements, with #86 as proposed, so two conforming lots would result. The Executive Board denial, based on Sec. 1.2 of CASB regulations that a non-conformity cannot be created, is in error because the proposal does not create or increase non-conformity, according to Atty. Gibson.

Gibson said the ZBA can resolve this issue simply by approving the permit applied for, specifying conditions denying expansion of non-conformity. If approved, the property can be sold as conveyed, transferring all but the section on which a house stands. Approval would be conditioned on sale of remaining land as a one-piece lot.

He concluded by asking that the application be approved by overturning the Executive Board action and approving a permit for what was requested, with conveyance subject to conditions.

During the Public Comment portion of the hearing speakers voiced dissatisfaction with unsightly vehicles being stored on the property for long periods. They were reminded this issue was not connected to the business at hand and should be addressed by the Civic Association. Others questioned whether the residentially-zoned land now used for improper storage of cars might become commercially-designated under the new arrangement. It was understood that the commercial zone would not be enlarged as a result of joining #82 and parts of #86 Shore Drive.

David Peterson voiced concerns about the Bristol Street Extension/ Right-of-Way affecting lots fronted on it. Also, he felt not all documents presented at this meeting had been available for consideration by the Executive Board in relation to CASB regulations.

Martin Hallier Jr. expressed a need for more information and suggested the matter be tabled while investigated further.

Pat Nielsen also felt a lack of necessary information in the application so the ZBA cannot address the issue of what #86 Shore Drive was and what would result if changes were approved. It needs to be shown that land use would not change. Pat indicated a recording of the Executive Board meeting is available should any ZBA member desire to hear it.

The meeting was closed to the public at 9:55 p.m. and re-convened at 10 p.m. for ZBA members' discussion. It was made clear the appeal before us was not for a variance but to decide if the Executive Board decision to deny a zoning permit was correct. We could either agree and leave further consideration to them, or we could overturn their decision if we felt such action was warranted. It was noted a recently-found 1957 ZBA grant of an operating permit for a garage specifically states the permit is not transferable. The sale of the lot should be realized as a condition of ownership.

With a choice of denial or tabling, it was agreed the Executive Board was correct in denying the application for violation of Section 1.2 of regulations because a separate non-conforming lot would be created. However, the application could be re-submitted to them with additional information and clarifications.

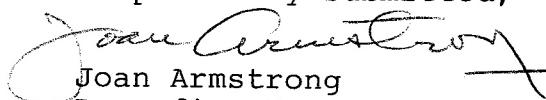
There being no further discussion, Pat Nielsen moved, Ann Davis seconded, a motion to deny the appeal because it only addresses land that falls within the proposed #86 Shore Drive and neglects to address any information concerning land currently part of #86 Shore Drive but which would not be so if line revisions were approved.

Result of vote:

4 in favor (Davis, Nicholas, Armstrong, Nielsen)
1 abstention (Wong)

The hour being late, no further business was conducted. Meeting adjourned, unanimously, at 11:05 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 1, 2010
7:30 p.m.
Short Beach Union Church**

1. Receive new applications/appeals
2. MINUTES - Regular Meeting of October 4, 2010
3. OLD BUSINESS
4. BILLS AND CORRESPONDENCE
5. NEW BUSINESS
6. Adjournment

Next Meeting: Monday, December 6, 2010

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held November 1, 2010 at the Union Church.

Present: Chairman Pat Nielsen, Jon Nicholas, Helen Wong, Ann Davis and Joan Armstrong, regular members. Absent: Mark Winik, alternate.

1. No new appeals were submitted for consideration.
2. Meeting called to order at 7:45 p.m.

Several amendments were suggested for the version of minutes of the October 4, 2010 meeting read at this meeting. It was approved as amended and a final version will be reviewed for confirmation at the December meeting.

3. OLD BUSINESS

None

4. Bills & Correspondence

Pat will present some bills to the CASB for reimbursement.

5. NEW BUSINESS

1. Ann Davis stated her intention to resign after the February meeting.

2. Meeting schedule for 2011

Previously the board has met monthly except for July and September. After discussion it was agreed to meet this January 3 (although part of a holiday weekend) so that presentations or other business could be considered. Pat will prepare a list of the full year's schedule for final approval at the December meeting.

There being no further business, meeting adjourned at 8:35 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 4, 2010 at the Union Church.

Present: Chairman Pat Nielsen, Ann Davis, Jon Nicholas, Helen Wong and Joan Armstrong, regular members.

1. No new appeals were submitted for consideration.
2. Meeting called to order at 7:40 p.m. Minutes of the regular meeting of August 2, 2010 were approved unanimously.
3. Public hearing and possible action on public hearing items:
A. Application #2010-1, 86 Shore Drive, appeal of denial of zoning permit by Executive Board of the Civic Association of Short Beach. Owner/applicant: Albert Petrosino

Attorney David Gibson represented the owner. Also present: L. W. Fisher, surveyor.

Attorney Gibson said the property in question is in two zones, residential and commercial. (Survey maps of the property were on display.) He presented documents giving additional history of the property but which may not have been known to the Executive Board at their meeting in July. The owner wants to convey the property to persons now leasing it.

Gibson stated the owner's plan is to combine #82 Shore Drive, which already meets lot requirements, with #86 as proposed, so two conforming lots would result. The Executive Board denial, based on Sec. 1.2 of CASB regulations that a non-conformity cannot be created, is in error because the proposal does not create or increase non-conformity, according to Atty. Gibson.

Gibson said the ZBA can resolve this issue simply by approving the permit applied for, specifying conditions denying expansion of non-conformity. If approved, the property can be sold as conveyed, transferring all but the section on which a house stands. Approval would be conditioned on sale of remaining land as a one-piece lot.

He concluded by asking that the application be approved by overturning the Executive Board action and approving a permit for what was requested, with conveyance subject to conditions.

During the Public Comment portion of the hearing speakers voiced dissatisfaction with unsightly vehicles being stored on the property for long periods. They were reminded this issue was not connected to the business at hand and should be addressed by the Civic Association. Others questioned whether the residentially-zoned land now used for improper storage of cars might become commercially-designated under the new arrangement. It was understood that the commercial zone would not be enlarged as a result of joining #82 and parts of #86 Shore Drive.

David Peterson voiced concerns about the Bristol Street Extension/ Right-of-Way affecting lots fronted on it. Also, he felt not all documents presented at this meeting had been available for consideration by the Executive Board in relation to CASB regulations.

Martin Hallier Jr. expressed a need for more information and suggested the matter be tabled while investigated further.

Pat Nielsen also felt a lack of necessary information in the application so the ZBA cannot address the issue of what #86 Shore Drive was and what would result if changes were approved. It needs to be shown that land use would not change. Pat indicated a recording of the Executive Board meeting is available should any ZBA member desire to hear it.

The meeting was closed to the public at 9:55 p.m. and re-convened at 10 p.m. for ZBA members' discussion. It was made clear the appeal before us was not for a variance but to decide if the Executive Board decision to deny a zoning permit was correct. We could either agree and leave further consideration to them, or we could overturn their decision if we felt such action was warranted. It was noted a recently-found 1957 ZBA grant of an operating permit for a garage specifically states the permit is not transferable. The sale of the lot should be realized as a condition of ownership.

With a choice of denial or tabling, it was agreed the Executive Board was correct in denying the application for violation of Section 1.2 of regulations because a separate non-conforming lot would be created. However, the application could be re-submitted to them with additional information and clarifications.

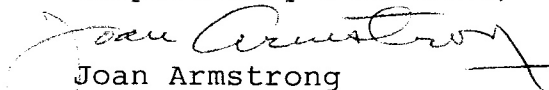
There being no further discussion, Pat Nielsen moved, Ann Davis seconded, a motion to deny the appeal because it only addresses land that falls within the proposed #86 Shore Drive and neglects to address any information concerning land currently part of #86 Shore Drive but which would not be so if line revisions were approved.

Result of vote:

4 in favor (Davis, Nicholas, Armstrong, Nielsen)
1 abstention (Wong)

The hour being late, no further business was conducted. Meeting adjourned, unanimously, at 11:05 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held December 6, 2010 at the Union Church.

Present: Ann Davis, acting chairperson; Jon Nicholas, Helen Wong and Joan Armstrong, regular members. Alternate Mark Winik was present from 7:55 p.m. Absent: Pat Nielsen.

1. New appeal.

At 7:37 P.M. the board convened to review an application (#2010-1) for an appeal from Charles Sanislow, 40 Little Bay Lane, to replace and enlarge a porch which would require side and front yard variances. A check of requirements of our Manner of Filing determined insufficient copies were provided of the Zoning Board denial and current deed to the property. The applicant will correct this omission promptly. His check for \$175 was received. Assuming all necessary information will be available, a public hearing was set for January 3, 2011.

2. Meeting called to order at 8:05 P.M.

Minutes of the regular meetings of October 4 (as revised) and November 1 were approved unanimously.

3. OLD BUSINESS

As agreed at the last meeting, Pat Nielsen provided copies for distribution of the schedule of regular meeting dates for 2011 (filed with these minutes). This information will be made available to the Town Clerk as required.


4. Bills and Correspondence - none.

5. NEW BUSINESS

None.

There being no further business, meeting adjourned at 8:15 P.M.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH
RECEIVED

2011 JAN -7 A 9-12 **ZONING BOARD OF APPEALS**

TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

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

Regular Scheduled Meeting Dates for 2011

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

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