

**Bolton Zoning Board of Appeals
Regular Meeting Minutes
November 12, 2024, 7:00 p.m.
Bolton Town Hall, 222 Bolton Center Road
In-Person Meeting and Virtual Utilizing Zoom**

Members Present: Chairman Morris Silverstein, Members-Anne Decker, Joshua Machnik, William Pike and Jonathan Treat and Alternate Tom Lyon

Others Present via Zoom: Donald Houlberg, Caitlin O’Neil,

Others Present in Person: Alex O’Neil, Attorney Stephen Penny and Raphael Vergnaud

Regular Meeting

1. **Call to Order:** Chairman Morris Silverstein called the meeting to order at 7:02 p.m.
2. **Roll Call/Seating of Alternates-** Roll call completed.
3. **Resident’s Forum/Public Comment:** No public comment

4. Public Hearing:

No. #ZBA-24-3, 1 Lynwood Dr., owned by Raphael Vergnaud. Request for a 15-foot front yard setback variance, reducing the 35-foot requirement to 20-feet, to construct a deck to an existing structure

Mr. Vergnaud spoke on his own behalf. A wraparound deck with railings and one riser is proposed. The deck will be accessible from the front and rear. There is limited room to extend the deck in the back of the property, hence the proposed location. A third of the proposed deck was already in place. The old deck has been removed and only the concrete slab remains. Mr. Vergnaud noted that the house was built in 1953, prior to the current zoning regulations. He has owned the property for two months.

M. Silverstein asked what the hardship is. Mr. Vergnaud noted that it is a corner lot so clearance on the sides is difficult. And the house is placed diagonally on the lot, perhaps to take advantage of the water view. There is a shed and an A/C condenser located in the rear of the lot.

J. Treat asked if a corner lot is treated differently than a non-corner lot in the regulations. M. Silverstein responded no.

A. Decker asked if the shed is permanently affixed to the ground. Mr. Vergnaud is not sure but the shed is very close to the rear property setback.

W. Pike asked how the gravel driveway will be impacted by the proposed deck. Mr. Vergnaud replied that eventually the driveway will be tarred and will not be an issue.

J. Treat noted that if they had to dig up the sewer line it would not be a new issue as the line is currently under the existing concrete slab

The public hearing was closed at 7:19 p.m.

The Board was in consensus to decide on the variance.

J. Treat feels that the applicant deserves the variance and noted that if the corners of the deck were radiused it would lessen the encroachment.

A. Decker disagrees. She understands that it is a unique property but there are many other unique properties in town. Is this a true hardship? The old deck was within the old setback. She feels that there is enough room for a new deck that won't encroach on the setbacks. Setbacks are in place for a reason.

W. Pike noted that this neighborhood has many properties that have been fixed up in recent years. There are strong limitations due to the lot sizes. The location of the house creates some pretty substantial limitations. He is in favor of granting the variance. As a property in the lake district, a new deck will increase the value of the property.

J. Machnik feels that the variance should be granted based on the reasons that W. Pike noted above.

W. Pike made a motion to approve the variance to allow a 15-foot front yard setback variance with the constraint the variance is only for a deck. The hardships are that it is a corner lot and diagonal placement of the house on the lot. J. Treat seconded. The motion passed 4:1:0.

No. ZBA-24-4, 366 West St., owned by Caitlin O'Neil. Request for a 15-foot side yard variance, reducing the 25-foot requirement to 10-feet, to complete an addition to an existing structure.

Attorney Stephen Penny spoke on the applicant's behalf. The parcel is bordered on all sides by residential properties. The lot size is nearly three times larger than the average lot size. The hardship is that the lot is 200 feet wide with the existing structures leaving limited room for expansion. There are sharp drop offs to the front and rear of the home. The rear accumulates water. The existing home and garage were built before the O'Neil's took possession. The addition would be attached to the existing garage as to not obstruct the current view. If the addition was added to the front yard, it would be an eyesore. In the rear, it would obstruct the view for the neighbors and may compromise a new septic system installation if needed.

There is a large buffer of trees as shown in the submitted photographs. The proposed 10-foot side yard would allow for access of emergency vehicles. There is no easement on

the parcel. Attorney Penny read from Section 8-6 of the CT Planning and Zoning Statutes. He stated that the hardship of the sloping topography of the land at the front and rear of the property is not self-created. The character of the neighborhood would not be impacted by the garage addition.

A. Decker asked what the use of the garage addition would be. Mr. O’Neil replied that he plans to store his RV there and although there are four existing garage bays he needs more garage space to store his cars and a boat.

J. Treat asked if this addition would have anything to do with his business of selling Snap-On-Tools. Mr. O’Neil replied that his work truck is primarily parked in North Haven. On weekends it may be at his home for restocking purposes. J. Treat noted that while the current owner didn’t build the existing structures, for better or worse, he owns them. If half of the older garage was removed and the new garage was to be added to the reduced structure it may be an option that wouldn’t necessitate a variance.

W. Pike noted that historically the ZBA has tried to come up with alternatives to eliminate the need for variances. If the proposed structure was moved closer to the house a variance would not be needed. He feels that five and a half garage bays is not a common occurrence and that what Mr. O’Neil is asking for is excessive. There are limits to what can be done with a piece of property.

Caitlin O’Neil feels that the option proposed by the board would affect the use of the current garage and having an ample turning radius is a concern.

The public hearing was closed at 8:33 p.m.

M. Silverstein noted that there are items in the statutes that should be considered, namely public health, public welfare and public safety

A. Decker asked if it is a true hardship if he has four garage bays already. The piece of land seems to be maximally used as is. There may be alternatives that could be considered that wouldn’t require a variance.

W. Pike noted that he agrees with Ms. Decker. A 50’ by 30’ bay is excessive and he is more comfortable with promoting alternatives. It is not a hardship if there are alternatives.

J. Treat made a motion to deny the variance based on the lack of hardships. A. Decker seconded. The motion passed 3:2:0.

5. Old Business - None

6. Approval of Minutes:

September 10, 2024

A. Decker made a motion to accept the minutes as presented. J. Treat seconded. The motion passed unanimously 5:0:0.

7. Other:

The following ZBA meeting dates are proposed for 2025, on the second Tuesday of each month:

Tuesday, January 14, 2025
Tuesday, February 11, 2025
Tuesday, March 11, 2025
Tuesday, April 8, 2025
Tuesday, May 13, 2025
Tuesday, June 10, 2025
Tuesday, July 8, 2025
Tuesday, August 12, 2025
Tuesday, September 9, 2025
Tuesday, October 14, 2025
Tuesday, November 11, 2025
Tuesday, December 9, 2025

Meetings will be held at 7:00 p.m. at Town Hall, virtual via Zoom or hybrid.

J. Machnik made a motion to approve the above ZBA meeting dates for 2025. J. Treat seconded. The motion passed unanimously 5:0:0.

8. Adjournment

W. Pike made a motion to adjourn at 8:56 p.m. M. Silverstein seconded. The motion passed unanimously 5:0:0.

Respectfully submitted,

Leslie J. Brand

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Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.