

**TOWN OF GRANBY
ZONING BOARD OF APPEALS
MINUTES
October 18, 2011**

Present: Wayne Chapple, Kelly Rome, William Percival, Ann Crimmins, and Dianne Maher

Chairman Wayne Chapple convened the meeting at 7:30 p.m. and secretary William Percival read the Legal Notice. The Legal Notice was published on October 7, 2011 and October 14, 2011 in the Connecticut Section of the *Hartford Courant*.

REGULAR MINUTES

ON A MOTION by Ms. Crimmins, seconded by Mr. Percival, the Board voted (3-0-2) to approve the minutes of the regular meeting of July 19, 2011 as presented. Ms. Crimmins and Ms. Maher abstained.

Chairman Chapple explained the procedure of the meeting and noted to those in attendance that decisions would generally be mailed to the applicant within 10 days. Approval, when granted, shall be null and void if not filed within 90 days of the approval date.

PUBLIC HEARING

The hearing on the appeal by Orest Bystrianyuk, seeking a variance to side yard requirements, Section 5.1 of the Zoning Regulations to allow the relocation of a shed for property located at 10 Farmview Lane, opened at 7:32 p.m.

Orest Bystrianyuk, 10 Farmview Lane, appeared to explain his plans to relocate a shed on his property. The shed is 16 feet x 20 feet and is presently located at the bottom of the slope in his backyard, close to the property line. Because it's at the bottom of the slope, he stated it isn't a practical location for year round use. He noted safety concerns regarding accessibility in rainy and winter weather. He'd like to move the shed to a level area closer to the house, near the driveway. He showed the areas being discussed on maps and in pictures he provided to the Board. The septic system and well are located in the back yard. He is requesting a 6-½ foot variance to place the shed near the driveway.

A letter from Tobias and Lee Emden, 12 Farmview Lane, in support of relocating the shed is included in the file.

Public comment: None.

The public hearing closed at 7:46 p.m.

The hearing on the appeal by Dennis Schmidt and Joan Lavender seeking a variance to the lot area requirement, Section 5.1 of the Zoning Regulations to allow for a reduction in the existing non-conforming lot size of property located at 52 Lakeside Drive, opened at 7:47 p.m.

Gary Hawes, 50 Lakeside Drive, appeared as Agent for Dennis Schmidt and Joan Lavender of 52 Lakeside Drive. Mr. Hawes explained his house, at 50 Lakeside Drive, is currently for sale and is under contract, but an issue with the property line has come to light. He showed a map indicating a triangular portion of property, which will be referred to as "parcel B". The parcel B triangle measures 515 square feet. An old survey of these properties shows that a corner of his house actually sits on parcel B. He provided pictures of the area in question. Mr. Haws is seeking to have parcel B transferred to him. The variance is being requested because should this parcel B be sold or transferred to 50 Lakeside Drive, this would decrease the lot size at 52

Lakeside Drive, making an already non-conforming lot even more non-confirming. He stated that the hardship relates to old mapping errors and the inability to sell his house. He presently has a buyer, contingent upon the filing of a corrected map. This variance request doesn't affect any other properties in the neighborhood. There is no letter in the file from the property owners at 52 Lakeside Drive indicating their agreement or disagreement of this transfer of property.

Paul Swenson, 19 High Rise Road, Danbury appeared. He represents Connecticut Attorneys Title Insurance Company (CATIC) who is the title insurer for Mr. Schmidt and Ms. Lavender. He reiterated much of what was already said, stating this resolution would correct a property line issue that's been in error for over 60 years.

The public hearing closed at 8:12 p.m.

ON A MOTION by Ms. Maher, seconded by Ms. Crimmins, the Board voted unanimously (5-0-0) to approve a variance to side yard requirements, Section 5.1 of the Zoning Regulations for Orest Bystrianyuk, as outlined in the subject file, for property located at 10 Farmview Lane as follows:

a 6-½ foot side yard variance is granted to allow the relocation of a 16-foot x 20-foot shed. The hardship noted is the steepness of the slope in the backyard and the location of the septic system and well in the backyard.

ON A MOTION by Chairman Chapple, seconded by Ms. Crimmins, the Board voted (5-0-0) to approve a variance to the lot area requirement, Section 5.1 of the Zoning Regulations for Dennis Schmidt and Joan Lavender, as outlined in the subject file and shown on a "Plan Showing Parcel of Land to be Conveyed to Gary W. Hawes" prepared by Meehan & Goodin, dated 9-18-2011, for property located at 52 Lakeside Drive with the following condition:

that Mr. Schmidt and Ms. Lavender present a letter consenting to the application presented. Refer to Section 10.3.1.2 of the Zoning Regulations for justification.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Susan Christian
Recording Secretary