

1. Call to Order

The Chester Zoning Board of Appeals held a Special Meeting on Monday, April 8, 2019, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Borton called the meeting to order at 7:30 PM.

2. Seating of Members

Members in attendance were Mark Borton, John DeLaura, Errol Horner, Alex Stein. Chairman Borton noted 4 affirmative votes were required to grant a variance which means the vote would have to be unanimous as there were only 4 members present. The applicant noted she would like to go forward with 4 members.

3. Approval of Minutes

Motion by DeLaura, second by Stein, to approve February 25, 2019 Minutes as written. Unanimously Approved.

Motion by Horner, second by Stein, to approve March 16, 2019 Site Walk Minutes as written. Approved with DeLaura abstaining.

4. Old Business

Continued Public Hearing and Consideration of Application –

Application submitted by Yulka Markevich (applicant and owner) for variance of Section 60B, Required Characteristics (front, rear and side setbacks) for reconstruction mud room and roof, deck addition and add portico above front door, at property located at 10 Birch Street, Chester, CT (Tax Map 12, Lot 196, R2 Zone).

Chairman Borton noted a sitewalk was conducted on March 16th consisting of members Borton, Stein, Blair and Horner. John DeLaura noted he would like a recap. He indicated a sitewalk for him was not to determine a hardship.

Ms. Markevich noted she was asking for a deck removing the existing concrete patio. She indicated she already got approval from the Wetlands Agency and they were happy she was going to put stone under the deck. The deck is about the same size as the concrete patio. Ms. Markevich noted the house was one of the smallest in the neighborhood. She also wanted a roofed area on the deck for the grill for the summer. She reviewed the building permit. John DeLaura noted there was a valid building permit to renovate the existing house, install a new septic system, a new well, new siding, new roof, new windows, new plumbing, new electrical (200 amp) and new framing. Building permit was issued in October. When she started the roof portion, the neighbors complained.

Pam Cartier, adjoining neighbor, noted the building permit was to the existing house and what was being done was an extension, not the existing house. The size of the house was being increased and Mrs. Cartier asked where the permit was for that work. The house was being expanded and adding a deck.

Chairman Borton noted there were two issues – one was what does the permit say and the second was there is a setback issue. There was discussion of how high the deck was off the ground.

Mrs. Cartier noted a section of the house was removed and new beams put on when the extra porch part was added. Her concern was eventually this area would be closed in and become living area of the house. There is also a disrespect of the boundary lines.

Ms. Markevich noted the house is small, built in 1935. Chairman Borton noted the property was developed before Zoning Regulations and is now in setbacks that did not exist at that time. The septic system has not been put in yet. John DeLaura noted the applicant was basically asking to do the deck and the covered roof and the front portico. The setbacks were reviewed.

Chairman Borton noted there are 3 sections to deal with – the front portico, the roof section and the deck.

Front portico – John DeLaura noted this would encroach further into the front yard setback. The house is already 6 feet into the setback. Alex agreed with Mr. DeLaura and wasn't in favor of the portico as the house is already well into the setback. Errol Horner noted he didn't have a problem with the portico as it adds character to the house.

Deck – Chairman Borton noted the deck was replacing a concrete patio raising it a little bit, making it wood and changing the shape extending it some. The shape of the deck was reviewed. Errol Horner didn't have any problem with the deck. Alex Stein noted the eastern point of the deck was 13 feet off the line, but less encroaching than the rest of the house, therefore, he didn't see any problem. John DeLaura didn't see any problem with the deck. Chairman Borton noted the consensus was for the deck.

Roof – Chairman Borton noted the roof was over a portion of the deck and open on the sides to cover a grill. Alex Stein noted there wasn't a problem with the deck but there had been previous discussion about closing it in. It was felt the Board could only consider what is being proposed at this time and not something that may occur in the future. He was okay with the deck and the roof.

John DeLaura asked the neighbor exactly what the problem was with the deck. Mrs. Cartier noted she actually has an objection to all of it. Now that those trees were taken down, the deck looks right down into her yard and her privacy is gone. Some of the cut trees were on the Cartier property. The trees provided a screening. Chairman Borton asked if a fence would suffice for the privacy issue. Mrs. Cartier noted if the fence was 6' they would still be able to see over it. There was much discussion regarding potential screening and whether fencing would suffice. Chairman Borton noted he was sure the applicant has an idea of what would suffice for privacy screening.

Errol Horner noted he didn't have a problem with the deck and the roofed deck. Chairman Borton noted this Board is only dealing with the setback issue. John DeLaura noted he would be okay if there was some agreement between the applicant and the neighbor regarding the privacy issue. Alex Stein noted he was okay with it.

Alex Stein noted he didn't have a problem with the roofed deck because it is open on both sides. Errol Horner agreed with Mr. Stein. John DeLaura noted this was expanding a nonconforming structure unless there is some agreement between the applicant and the abutter as stated previously.

Yulka Markevich noted she would agree to do whatever privacy fencing or planting is necessary. Chairman Borton noted the Board could add a condition to any approval that suitable screening would be required to achieve reasonable screening. It should not be attached to the house. Alex Stein noted whatever screening is used, it should be designed to screen the view between the houses of an appropriate height.

Mrs. Cartier noted she understands what the Board is trying to do, but this puts her in the position of dealing with the neighbor and coming home to find out something was done that shouldn't have been done. Their previous discussion wasn't followed thru by the other party and this is very frustrating. She was also concerned the property owner was not going to be the one living there as the property owner is actually an LLC.

Ms. Markevich reviewed the cutting of the tree and promised to plant something else. Or if approved put up screening between the two properties.

Motion by Borton, second by Stein, to approve plans as submitted for rear deck, deck with covered porch on condition that appropriate visual privacy fencing and/or planting be installed on the east side within six months of granting this variance. This does NOT include the applicant's request for the portico. Unanimously Approved.

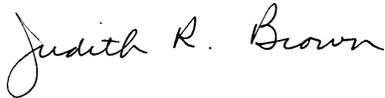
5. Audience of Citizens – no further comments from the audience.

Chairman Borton noted he would not be available for the regular meeting in April, May or September. He also indicated he will be resigning as Chairman at the end of his term in November. This is still an elected Board.

6. Adjournment

Motion by Stein, second by DeLaura, to adjourn at 8:41 PM. Unanimously Approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary