

Town of Stafford  
Zoning Board of Appeals  
Regular Meeting  
November 14, 2019 – 7:00 p.m.  
Veterans' Meeting Room  
Warren Memorial Town Hall

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TOWN CLERK

Members Present: Judith Mordasky, Acting Chair  
Arlene Avery  
Richard Longmore  
Dennis Kaba, alternate

Also Present: David Perkins, ZEO  
David Allen, applicant  
Attorney Wendell Avery representing Adam & Annaliese Falkowski  
Public

### **PUBLIC HEARINGS**

1. **Call to order.**  
Judith Mordasky opened the Public Hearings at 7:00 p.m.
2. **Establish a Quorum.**  
Judith Mordasky established a quorum with Judith Mordasky, Acting Chair, Arlene Avery, Rich Longmore, and seating alternate member Dennis Kaba for Tim Armstrong.
3. **Variance Application of Doreen & David Allen, Section 4.9 (4' side yard setback where 30' is required) to construct a 28' x 12' accessory structure. Location: 26 Handel Road, Map #44, Lot #11, Zone: AAA.**

Dennis Kaba read the legal notice for the two public hearings to be heard this evening. Judith Mordasky explained the public hearing process.

David Allen of 26 Handel Road said he wanted to install a 12' x 28' pre-fab garage, the hardship being that due to the location of the well and septic system on the property, this would be the only location he could install it, which does not meet the required side yard setback. He said currently there are two sheds on the property in that same area which will be removed. The garage will replace them. He said he was told to keep the garage at least 50' from the road, so it will be set back further than the house.

David Perkins noted the applicants could replace the sheds as of right. Dennis Kaba asked if the garage is a one car garage. David Allen said it is. It will also house the items he currently has in his two sheds.

Dennis Kaba read a letter from an abutting neighbor, Leon Faucher, which indicated he had no objections to the application, so long as the two sheds are removed.

The public hearing was opened to public comment. No one from the public spoke in favor or in opposition.

Arlene Avery made a motion, seconded by Dennis Kaba, to close the public hearing for the variance application of Doreen & David Allen. All were in favor.

**4. Variance Application of Adam & Annaliese Falkowski of Section 4.9 (25' lot frontage where 175' is required) to create a buildable lot. Location: 0 Colburn Road, Map #16, Lot #22.02, Zone: AA. Owner: Thomas Finch, Laurie Finch, Joyce Fantoli.**

Attorney Wendell Avery with law offices at 72 West Stafford Road attended the hearing, representing the applicants. He said they are looking for a variance of Section 4.9 of the regulations to create a buildable lot which would allow for the construction of a single family residence on a lot with insufficient frontage. He noted the lot itself is over 14 acres in size, even though it has only 25' of actual frontage on Colburn Road.

Attorney Avery said the primary permitted uses in the AA zone are residential and the regulations in this case, take away the use of the lot for the owners for the only allowable use. He said this type of lot is not uncommon in the regulations, as rear lot provisions allow 25' of frontage. He said because the lot is over 14 acres in size, there is more than adequate land available in the rear portion of the lot for a septic and well, so meeting public health requirements would not be an issue.

Attorney Avery further noted that the property was up for a tax sale today, but there were no bidders. As a result, the town cannot collect back taxes. The applicant will buy the property if the requested variance is granted. That would be a benefit to the town for the collection of back taxes, as well as getting the property on the tax rolls going forward.

David Perkins noted that the regulations only allow for the creation of a rear lot if the lot is at least 20 percent of a subdivision. He said the regulations are confiscatory to the owner of a property if they do not permit the property owner to have even the minimum usage of their property, in this case as a single family lot.

The public hearing was opened to public comment. David Brasefield of 94 Colburn Road asked if the 25' frontage would be the only place for a driveway. Judith Mordasky noted there is presently a right-of-way there now. Attorney Avery said there is a driveway that services a commercial building in back and the applicant is proposing a parallel driveway that would then branch off to the left. David Perkins said no new curb cut is anticipated. David Brasefield said this answer satisfied his inquiry.

Rich Longmore made a motion to close the public hearing for the variance application of Adam & Annaliese Falkowski, seconded by Dennis Kaba. All were in favor.

**REGULAR MEETING**

**1. Approval of October 10, 2019 meeting minutes.**

The Board reviewed the minutes. Judith Mordasky noted the first name spelling of Attorney Lorin Dafoe should be corrected. (The minutes incorrectly spelled her name as "Lauren").

Dennis Kaba made a motion, seconded by Rich Longmore to approve the October 10, 2019 regular meeting minutes as amended. All were in favor.

2. **Review public hearing items and discuss possible decisions.**

**Variance Application of Doreen & David Allen, 26 Handel Road:** Arlene Avery made a motion, seconded by Rich Longmore to approve the Variance Application of Doreen & David Allen, Section 4.9 to construct a 28' x 12' accessory structure at 26 Handel Road, Map #44, Lot #11, Zone: AAA, with a side yard setback of no less than 4', the hardship due to the location of the well and septic on the lot. This approval is conditioned upon the removal of the two existing sheds on the property. It was noted that the application is in compliance with the Comprehensive Plan. All were in favor.

**Variance Application of Adam & Annaliese Falkowski, 0 Colburn Road:** Dennis Kaba made a motion, seconded by Rich Longmore, to approve the Variance Application of Adam & Annaliese Falkowski of Section 4.9, allowing a 25' lot frontage where 175' are required, to create a buildable lot. Location: 0 Colburn Road, Map #16, Lot 22.02, Zone AA, the hardship due to the fact that the existing zoning regulations are confiscatory to the owner of the property as they do not permit the property owner to have even the minimum usage of their property, in this case as a single family lot. All were in favor.

3. **Set meeting schedule for 2020.**

Dennis Kaba made a motion, seconded by Arlene Avery, to table this item to the next scheduled meeting. All were in favor.

4. **Adjournment.**

Rich Longmore made a motion to adjourn, seconded by Dennis Kaba. All were in favor. The November 14, 2019 meeting of the Stafford Zoning Board of Appeals was adjourned at 7:23 p.m.

Respectfully submitted,



Annie Gentile  
Recording Secretary