

**Killingworth Zoning Board of Appeals
Regular Meeting, February 23, 2015
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1. Call to Order and Seating of Members

The Killingworth Zoning Board of Appeals held its regular meeting on Monday, February 23, 2015, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut. In attendance and seated were Bruce Dodson, Charles Martens, Les Riblet, Brian Young and Matthew Young. Chairman Dodson called the meeting to order at 7:00 PM.

2. Public Hearing and Consideration of Application - David Schmitt, owner/applicant, seeking variance of Killingworth Zoning Regulations, Sections 500-19 and 500-44-D-5, Side Yard Setback, for stand alone barn/garage, having to do with property located at 109 Chittenden Road, Killingworth, Connecticut (Map 32, Parcel 43-B).

Geoff Cook and David Schmitt were present. Mr. Cook noted he has been working with Mr. Schmitt on this project. He is also the Chairman of the Energy Task Force in Town working on the H-K Solarize Project.

Mr. Cook noted Mr. Schmitt was one of the first to sign up for solar. The existing house and garage are not oriented properly for solar. They have a space for ground mount and that is where they propose to put the garage/barn. They are trying to consolidate everything into one structure (including storage, etc.). Cook further noted Mr. Schmitt has helped out with the solar project and works for an HVAC company.

The site plan was reviewed. Mr. Cook noted they put preliminary plans together. This is the only place to put this structure and it requires a side yard setback. Mr. Cook reviewed the parcel. He noted there is a 50 to 60 foot access on the north side down to a rear flag lot. Nothing can be built in that area.

Mr. Cook noted in 1992 they sought a variance for a 2 car attached garage. A variance from 30' to 20' was approved. They are looking to now build the same size structure. The roof is oriented north/south so the solar panels will be south facing. They have to be 10' from the septic. There is approximately 10' between the rear of the existing garage and the new garage. The new garage would have one overhead door and one pass through door. Cook reiterated once again they are requesting a 10' variance the same as in 1992.

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Geoff explained the area in the front noting it was pretty flat, rocky and heavily treed. The drilled well was also in that location. Mr. Schmitt noted he does not want to change the view from the house toward the street.

Chairman Dodson noted there were two smaller buildings on the lot. Mr. Cook noted they will be removed.

Charlie Martens inquired about the setback to the septic system. Mr. Cook replied it is 10' and that is covered by the State Health Code and the Sanitarian.

Mr. Schmitt noted there were wetlands in the back. Mr. Cook noted they thought about the front and the back, but would have to either cut trees or deal with the wetlands issue. He also pointed out the reserve septic area.

Square footage was reviewed. It was noted the proposed garage was 24' x 40' and the existing garage was 26' x 24'.

Mr. Cook noted the shed roof coming off the south side provide a covered walkway and increases the roof space for the solar panels.

Charlie Martens asked if moving the proposed garage would encroach on the area of the septic system. Mr. Cook replied yes.

Mr. Schmitt noted all 3 of his abutters indicated this was okay with them, but he wasn't able to get around to get their signatures on a letter. All three, however, did receive his letter per the certified mail receipts.

Mr. Cook reiterated nothing would ever be built on the driveway back to the rear property. He indicated the solar panels would be on the south side. The ridge of the building is oriented east/west.

Brian Young asked if it would be built on slab. Mr. Cook replied frost wall and slab. Mr. Young asked about drainage. Mr. Cook replied it would drain to daylight.

Mr. Cook explained the Schmitts signed a contract and paid a deposit before the design was fully worked out on the building and

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before they realized there was a side yard setback issue. He noted the solar program is highly successful.

Brian asked if the solar installation could be accomplished with the garage and setback variance. Mr. Cook replied yes but there would be a bunch of footings and a ground mount. The ground mount could be enclosed but it would be ugly and not aesthetically pleasing. He also noted, in response to a question, that the structure could be reduced, but that wouldn't provide for any storage.

Charlie asked what the space was between the existing garage. Mr. Cook replied about 10 feet and its lawn area. Charlie asked if the garage could be attached and moved over. Mr. Schmitt noted the ridge line wouldn't be right and it would wipe out the shed dormer.

Mr. Cook asked if there was any merit to the fact that a variance was granted previously. Chairman Dodson noted the ZBA is not supposed to approve a variance making a nonconforming use worse. At the same time, zoning variances are not supposed to be precedent setting.

Mr. Schmitt noted there are unusual road frontages. All the property is out back. These two lots were approved as two big "L's". That was done in the early 80's and he bought his property in 1985.

The hardship issues were reviewed - irregular lot shape, only location, etc. Chairman Dodson noted they could look at this nonconforming issue as a separate issue from the existing garage. Charlie agreed this should be a separate unit.

The driveway width was reviewed as was the distance between the house and the north which is about 100 yards or 300 feet. It was noted the back is all wetlands. Chairman Dodson confirmed the barn would go where the area is the widest point of the right-of-way.

Mr. Cook reviewed an aerial view of the area.

As there were no further questions from the Board and there was no one present to speak either in favor or in opposition, the public

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hearing was closed.

Chairman Dodson noted if approved, it would be a lot further than 30' to the rear neighbor to the north. This would be different if there wasn't that strip in between. Charlie agreed it puts a buffer in between. It was noted this lot has just over 200' road frontage.

Brian Young noted this property already has one variance for the existing garage.

Martens moved, Young (Brian) seconded, to grant the variance to David Schmitt based on the hardship of the configuration of the existing lot, the location of the existing structures on the lot and the distance from neighboring structures. Unanimously approved. Motion Carried. VARIANCE GRANTED.

3. Election of Officers

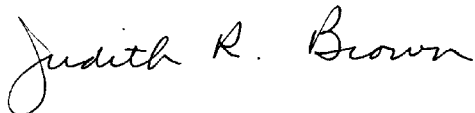
It was decided Election of Officers would take place after the next municipal election. Chairman Dodson will contact the Town Clerk relative to vacancies on the Board and who is up for election this year.

4. Any Other Business - none.

5. Adjournment

There being no further business, the meeting adjourned at 8:00 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary