

**Town of Chaplin, Connecticut  
Zoning Board of Appeals**

**Minutes of May 28, 2014**

*These unapproved Zoning Board of Appeals meeting minutes are forwarded to the Chaplin Town Clerk in a draft format. These minutes are unofficial until they have been read and approved by a majority vote of the Board. Should edits be necessary, they will be made at the next regularly scheduled meeting, voted upon and noted in the meeting minutes.*

**1. Call to Order**

Susan Peifer-Chair called the meeting to order at 7:01PM.

**2. Roll Call, Seating of Alternates**

Members Present: Susan Peifer-Chair, Helen Weingart, Rosalie Gifford, Lisa Courcier and William Jenkins. Also present were Town Attorney Dennis O'Brien, the applicants Sarah Zimmerman and Allen Olsen and members of the public.

**3. Approval of Minutes**

**a. 23 April 2014 Regular Meeting**

***Motion** made by H. Weingart, seconded W. Jenkins to approve the April 23, 2014 minutes with the correction to first paragraph, last sentence under Public Hearing to read "CZR 6.1A and 6.2".*

Motion passed unanimously.

**4. Old Business      Decision on Zimmerman/Olsen variance request**

Board reviewed "Motion to Approve Application" and an alternate and a "Motion to Approve and Deny Application" and an alternate written by Attorney O'Brien for possible use in this case. Board discussed these and other options. H. Weingart moved to approve the variance application by Sarah Zimmerman and Allen Olsen received February 26, 2014 regarding property located at 46 Chaplin Street, asking this Zoning Board of Appeals for a Variance of Section 6.1A and 6.2 of the Zoning Regulations of the Town of Chaplin pertaining to setback, frontage and lot area. L. Courcier seconded the motion.

Discussion followed, members expressing views for and against. R. Gifford read a letter of her thoughts on the matter. Vote was 3 to 2 in favor but the motion failed because at least four members had to vote in the affirmative. H. Weingart, L. Courcier, S. Peifer in favor, W. Jenkins and R. Gifford against.

**The members were polled for their reasons for their vote.**

W. Jenkins voted no because the property was illegally separated in 1973 and should have been retained with Harbaugh property at 50 Chaplin St and sold as a unit. Zoning regulations applied at the time the property was first separated. Hardship created by the Harbaugh Trust. Personal

experience with a guesthouse separated from main lot adjacent to my house, but then rejoined, fortunately. ZBA has been thrown into this by Chaplin P & Z and the Zoning Enforcement Officer.

R. Gifford voted no because the variance is excessive and extreme. It will crowd in a residence and cause adjustments to make it a residence. This will likely make it a burden to other property owners. This variance would deny others reasonable protection from zoning regulations in favor of special interests. This attitude the building is doomed if it is not made into a residence is unfounded. In the future, adjacent property owner could buy it. It's not over yet for the building. The property should have been combined with 50 Chaplin St.

L. Courcier voted yes because this is a hardship of the land and wrong decisions were made but they were made so we have this situation. As such setbacks and frontage cannot be changed without adversely affecting the conformance of adjoining properties. Legally, all the steps to the variance have been there.

H. Weingart voted yes because the hardship was not the applicants' fault and , while not a financial hardship, the value of the property cannot be realized if the variance is not granted, we are denying the applicant the ability to realize the value of the property and it is certainly in conformance with the community with which it sits.

S. Peifer voted yes because the use as a residence would be appropriate; it conforms to the adaptive reuse in the Comprehensive Plan of Development. CGS 8.13A (1) makes this a nonconforming property and negates the question the hardship was created by Harbaughs. Property has been considered as separate by the Town, separate tax bills for at least 30 years. The structure is important historically, a residence would have not adversely affected the neighbors.

**5. New Business**      **None**

**6. Citizens Having New Business**    None

**7. Correspondence**            None

**8. Other Items**

Discussion on the proper procedure to make motions. Mr. Jenkins offered to provide a chart from "Roberts Rules of Order" to the board. Short discussion on CLEAR workshop topics Peifer attended.

**9. Items Pro re nata**

Continue discussion on ZBA application form changes. By Law changes re: Roberts Rules.

**10. Adjournment**

Motion made by W Jenkins, seconded by L Courcier to adjourn the meeting. The meeting was adjourned at 8:07 PM. Passed unanimously

*Respectfully Submitted,*

*Susan Peifer, ZBA Chairman*

*2 June 2014*