

Zoning Board of Appeals

Minutes

(meeting recorded)

Regular meeting: Thursday, October 17, 2024

The meeting was called to order at 6:34 p.m. in the aldermanic chambers of City Hall.

By roll call, members present: Sam Pollastro Jr., John Kowarik (ZOOM), Jeffrey Bell, Ray Bowers (ZOOM), David Reed and Rita Pelaggi. Earl Robinson was excused.

Alternate David Reed will be a voting member this evening.

Also present: Zoning Enforcement Officer Kevin White (on ZOOM).

Town Clerk Marc Garofalo served as host for ZOOM.

Additions or deletions and acceptance of the agenda

Motion made by Sam Pollastro Jr. and second by Jeffrey Bell. Move to accept the agenda, with the deletion of the application for Dennis Zack, 31 Sentinel Hill Road as he has asked to table the matter until the November meeting. Motion carried unanimously.

Public Portion

No public came forward.

Motion by Jeffrey Bell and second by David Reed. Move to close public portion. Motion carried unanimously.

Approval of minutes

Motion made by Sam Pollastro Jr. and second by Jeffrey Bell. Move to table the approval of the minutes for July 18, 2024. Motion carried unanimously.

Applicant: Kimanne Core, 255 Hawthorne Ave., Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations Appendix B 32 E to allow construction of an eight foot fence.

Kimanne Core was present this evening. She explained that she would like to construct an eight foot fence on the retaining wall to the rear of her property. The property slopes and as such she has no privacy with the abutting neighbors. The neighbors are agreeable to this placement. The fence would provide her with privacy and would also give the neighbors privacy

and safety as they have a young child and dogs that could fall over the wall. The fence will be approximately forty feet extending to the existing fence running along the side of the property.

Mr. Pollastro noted that seeking an eight foot rather than six foot requires a variance. He also questioned if plantings could be an alternative to the requested fence or if the fence could be placed on top of the retaining wall.

Ms. Pelaggi clarified that the fence would be placed against the stone wall and she questioned how the wall would be accessed should it require repair. Ms. Core indicated that the retaining wall is on the abutting property and it has been there for a very long time. The fence will not be directly against the wall but the wall is in good shape. As far as placing it on top of the wall it would mean that the fence would be on the neighbor's property and also she wants to obscure the view of the actual retaining wall. She stated that she would prefer the fencing rather than any type of plantings and she felt that the variance hardship would be due to the uniqueness of the parcel because of the sloping and existence of the retaining wall. She stated that the neighbor is in favor of the fence.

Public portion was opened for this application. No one came forward.

Motion by Sam Pollastro Jr. and second by Jeffrey Bell. Move to close public portion. Motion carried unanimously.

Discussion on the motion. Mr. Bowers questioned whether the Board is creating a precedence by approving this application. Members debated whether the topography and need for privacy was sufficient to demonstrate a hardship and the uniqueness of the property. Mr. White indicated that the members have to weigh whether the hardship is strong enough or were there sufficient alternatives choices. He suggested that the matter should be tabled while Corporation Counsel can be consulted.

Motion by Ray Bowers and second by John Kowarik. Move to **APPROVE** the application at 255 Hawthorne Ave appealing the Derby Zoning Regulations Appendix B 32 E to allow construction of an eight foot fence due to the unique topography of the lot, which sits at the bottom of the slope resulting in the backyard being overlooked by the elevated properties behind them and the two feet additional height of the fence will provide them privacy and safety. Motion carried with Sam Pollastro Jr. opposed.

Roll Call:

Sam Pollastro Jr.	no
John Kowarik	yes
Jeffrey Bell	yes
Ray Bowers	yes
David Reed	yes

MOTION was made by John Kowarik and second by Jeffrey Bell. Move to adjourn the meeting at 7:15 p.m. Motion carried unanimously.

Respectfully prepared,

Karen Kemmesies

Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.