The Regular Meeting of the Madison Zoning Board of Appeals was conducted Tuesday, July 12, 2022, at 7 p.m. by way of an online Zoom Webinar, with public participation available through a Zoom Webinar link and password, as well as through a telephone call in number, with a Zoom Webinar identification number, all publicly posted.

MEMBERS PRESENT
Chairman Ned Moore and Commissioners William Piggott, Richard Gilbert, Jason Brown, and Dennis Crowe.

MEMBERS ABSENT
None.

ALTERNATES PRESENT
Dylan Stella.

ALTERNATES ABSENT
Steve Bischoff

OTHERS PRESENT
Zoning Enforcement Officer John De Laura; Maria Pettola, land use staff.

Chairman Ned Moore called the meeting to order at 7:05 p.m.

APPLICATIONS:

8261 11 Conestoga Dr. Map 48, Lot 15, R-1 District. Owner/Applicant: Mohan Sreenivasan. Request to vary Madison Zoning Regulation 3.6d), 25’ side yard setback east and west where 30’ is required for a tennis court and 3.6d), 25’ side yard setback east and west where 30’ is required for 10’ high fence.

Present for the application: owners, Randi Calablese & Mohan Sreenivasan, and Ed Cassella, attorney for the owners. Mr. Cassella states the owners are looking to install a tennis court – rear of the property. The minimum recommended size for a tennis court is 120-foot-long, the property owners are only asking for 100-foot-long tennis court. A site plan of 11 Conestoga Dr was shown. Mr. Cassella states the owners are asking for relief in the form of a variance to construct a court that is only 100 feet long, which is 20 feet less than recommended. A partial concrete pad was installed on the property that’s 90 feet wide. The basis of the variance request is a 5-foot extension on either side. Mr. Cassella further states the property is located in the R1 zone and is located adjacent to I95 which is a condition that does not generally applies to most properties in the R1 zone. The zoning regulations prohibits the construction of a tennis court in the location proposed. Mr. Cassella states the R1 zoning district allow for things like a patio concrete pad driveway and other hard scape surfaces to be constructed, without regard for setbacks as long as those items are not constructed more than 18 inches off-grade. The current pad that’s there was constructed with approval, and is not 18 inches off grade. But what requires the variance is under section 2.8 - a playing court. The owners are seeking a tennis court because of their daughter’s severe allergy condition which leads to life-threatening
Chairman Moore asked if there were any public comments for or against the application.

Marsha Chadwell, 52 Linwood Ave, Colchester, CT – para-professional for owner’s daughter, spoke to the daughter’s conditions stating she has a severe allergy condition.

John and Lydia Dornik, 19 Conestoga Dr – opposes the variances and believes the grade is more than 18 inches.

John Mazur, 42 Conestoga Dr – would like the neighborhood to stay the same and does not feel the tennis court should be built there.

Stephen Gunn - 9 Conestoga Drive, - supports the application.

Randal Alquist, 27 Town Crier Ln – asks if the variance was granted, does that still mean that the fence would be 20 feet away from the neighboring properties? The commission states it would still be 25 feet from the neighboring property.

After further discussions, **Commissioner Crowe made the motion to close the public portion and move to deliberations. Seconded by Commissioner Piggott and unanimously approved.**

**Deliberations:**

Commissioners were in agreeance about the tennis court variances and states 5 feet is a reasonable accommodation. They further state the 6-foot fence does not require a variance, but the 10-foot permanent fence does. Commissioner Brown proposed using temporary fencing that can come down. It was also suggested / discussed to approve the 10 feet permanent fence until the accommodation is no longer required.

**Chairman Moore moved to close the deliberations, seconded by Commissioner Piggott and unanimously approved.**

**Commissioner Crowe made a motion to approve the Request for variance for the Madison Zoning Regulation 3.6d), 25’ side yard setback east and west where 30’ is required for a tennis court as this would be compliant with ADA requirements, 42 USC definitions of disability and for reasonable accommodations. Seconded by Commissioner Brown.**

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Jason Brown and Dennis Crowe.

OPPOSED: None.

ABSTAINED: None

After further discussions the following motion was made in regards to the fence:
Commissioner Gilbert made the motion to approve the request for variance 3.6d, 25’ side yard setback east and west where 30’ is required for 10’ high fence as exactly stated in the application. Seconded by Commissioner Crowe and unanimously approved.

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Jason Brown and Dennis Crowe.
OPPOSED: None.
ABSTAINED: None

Commissioner Gilbert made the motion to take a 5-minute recess at 9:08pm; seconded by Commissioner Brown and unanimously approved.

8262 50 Whedon Ln. Map 25, Lot 55, R-2 District. Owner: JoAnn Lynch; Applicant: Michael Farmer. Request to vary Madison Zoning Regulation Section 11.1 to allow an Accessory Building in a Front Yard.

Present for the application: Michael Sulzbach, agent for applicant Michael Farmer. A plan for the site was shown and Mr. Sulzbach states there is a hardship due to the unique situation of the land. He states there is no backyard as it happens to be sitting in a pond, basically in the wetlands. He continues to state that this application does not require a building permit and the shed cannot be placed behind the house as it will be in the water. The proposed 12 x14 shed is in the best place possible, the storage shed is surrounded entirely by woods and not to be seen by anyone. Commissioner Crowe stated he visited the site and the shed is almost not visible to anyone else, it is isolated from neighbors. Commissioner Moore agreed.

Being there were no comments from the public, Chairman Moore moved to close the public portion of the hearing and move to deliberations; seconded by Commissioner Crowe and unanimously approved.

Deliberations:

Chairman Moore states there is no other place for the shed and it brings no negative impacts on neighbors. All commissioners agreed.

Chairman Moore moved to close the deliberations, seconded by Commissioner Crowe and unanimously approved.

Commissioner Crowe moved to approve the request for variance for application #8262 50 Whedon Ln. Map 25, Lot 55, R-2 District. Owner: JoAnn Lynch; Applicant: Michael Farmer. Request to vary Madison Zoning Regulation Section 11.1 to allow an Accessory Building in a Front Yard based on the hardship that there is no other available location due to wetlands.

Commissioner Gilbert added based on the hardship that literal enforcement would result in exceptional difficulty or unusual hardship. Seconded by Chairman Moore and unanimously approved.

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Jason Brown and Dennis Crowe.
OPPOSED: None.
ABSTAINED: None
APPROVAL OF MINUTES:  May 10, 2022, Regular Meeting

On page 1 – change Mr. Travis to Mr. Gulick.

Chairman Moore made the motion to approve the minutes of May 10, 2022 as modified, seconded by Commissioner Crowe.

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert and Dennis Crowe.
OPPOSED: None.
ABSTAINED: Commissioner Brown

ADJOURNMENT:

Chairman Moore made the motion to adjourn at 9:32pm; it was unanimously approved.

Respectfully submitted,
Racquel Stubbs