

MINUTES
PUBLIC HEARING
ZONING BOARD OF APPEALS
LISBON TOWN HALL VIRTUAL PUBLIC HEARING
TUESDAY, MAY 25, 2021
6:45 P.M.

The Zoning Board of Appeals held the following Virtual Public Hearing in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:45 P.M. on Tuesday, May 25, 2021:

Application #21-01 for Side Yard Setback Variance – Applicant, Shawn Paradis, 449 River Road, Assessor's Map/Block/Lot 07/023/0021, Vol/Pg 178/92. Seeking a Variance of Section 8.5 of the Zoning Regulations for a 10' variance of the 40' side yard setback requirement in the R-80 zone to construct a 28' x 32' x 12' pole barn style garage.

MEMBERS PRESENT VIA CONFERENCE CALL: Steven Beck, Robert Jencks,
Frederick Kral, III, Leo MacDonald, James Contino (Alt)
MEMBERS ABSENT: Ronald Babbitt, Robert Chubka (Alt)

The following Virtual Public Hearing was called to order by Chairman Steven Beck at 6:54 PM:

Application #21-01 for Side Yard Setback Variance – Applicant, Shawn Paradis, 449 River Road, Assessor's Map/Block/Lot 07/023/0021, Vol/Pg 178/92. Seeking a Variance of Section 8.5 of the Zoning Regulations for a 10' variance of the 40' side yard setback requirement in the R-80 zone to construct a 28' x 32' x 12' pole barn style garage.

The applicant, Shawn Paradis, was present at this public hearing. Shawn Paradis made a statement that he was unable to find anywhere other than the Zoning Map, that his property was in an R-80 zone. On the assessor's card, the GIS map and a 2012 appraisal that was performed on his property, these all list his property at 449 River Road in an R-60 zone.

Board Clerk read into the record a Memo from Michael J. Murphy, AICP, Consulting Planner/Lisbon Town Planner to Planning and Zoning Commission, dated May 4, 2021. It was noted by the Planner that this site is located in the R-80 zone which requires a 40' side yard. The permit issued by the ZEO approved constructing the barn at 41'. The applicant indicates he encountered ledge and moved the barn to a point about 34' at its closest point. The ZEO has ordered the applicant to stop work at the site and resolve the matter. The Planner stated he will not opine on the merits of the validity of the ledge condition or its extent as it is subject to information that should be provided at the public hearing. It was read under the "Analysis" section that there are some points that should be addressed by the applicant before the ZBA advertises and hears the application. These are: 1) The specific distance requested for the variance should be included on the application; and 2) A stone wall exists roughly 10' from the barn along the side yard area. These are often boundaries, and if so, it should be confirmed. This could affect the request of the applicant which could have implications for any approval. Staff recommended that in any motion by the Planning and Zoning Commission to send advisory comment to the Zoning Board of Appeals should include: 1) this memo be forwarded to the Zoning Board of Appeals and 2) any grant of a variance be conditioned with the requirement that an as-built plan accompany any variance granted to confirm compliance.

Chairman Beck read into the record the Regular Meeting Minutes of Planning and Zoning Commission dated May 4, 2021, Item 8b. "ZBA Referral, 449 River Road". It was read that "The Commission duly acknowledges the following motion as per its responsibility under Section 16.1.4 of the zoning regulations. Motion was made by Kim Sperry second by Cheryl Blanchard to send a letter to the Lisbon Zoning Board of Appeals in reference to their application for a setback variance by Shawn Paradis of 449 River Road; to include reference that the "hardship" was self-inflicted as other alternatives are available rather than moving the structure off the originally permitted location; and lastly,

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to include Town Planner's memo to the Planning and Zoning Commission regarding this matter." The Planning and Zoning Commission voted unanimously to approve their motion.

Chairman Beck also read into the record a memo from Michael J. Murphy, A.I.C.P., Consulting Planner/Lisbon Town Planner dated May 5, 2021 to the Zoning Board of Appeals regarding the Planning and Zoning Commission Report Review of Referral in accordance with 16.1.4 of the zoning regulations. The memo states that at its Regular Meeting held on May 4, 2021, the Planning and Zoning Commission of the Town of Lisbon reviewed the referral for an apparent 6' side yard setback variance request at 449 River Road in Lisbon. The application involves the construction of a pole barn for which a permit has been approved which requires a setback distance of 41' from the common side yard boundary to the north. It also states that the request for variance appears to petition the Zoning Board of Appeals to allow construction of the pole barn to be located only 34' more or less from the side yard boundary. The advisory opinion of the Commission is in the form a duly approved Motion and Affirmative Staff Memo attached should respectfully be reviewed at the ZBA Special Meeting of May 5, 2021 to inform the Applicant before it is advertised for the Public Hearing. The Commission also respectfully requests that this information be read into the record at the formal public hearing.

Chairman Beck asked if there is anyone to speak for or against the application, to which there was none.

Chairman Beck asked for comment or questions from the Board. Board Member James Contino questioned the applicant, Shawn Paradis, if it was the ledge that caused him to move the barn. Mr. Paradis confirmed that fact. Mr. Paradis also stated that the 40 ft. setback was not what the contractor depicted on what was originally submitted to the town. There was a miscommunication with the applicant and the builders.

Chairman Beck asked for public comment on the application, to which there was none.

This public hearing was closed at 7:11 P.M.


Renee Williams, clerk

APPROVED: _____
Steven M. Beck, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 06/01/2021 AT 3:00pm
ATTEST. LAURIE TIROCCHI, TOWN CLERK
