

***TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
March 13, 2007***

1. Call to Order: Chairman Torres called the meeting to order at 7:35 P.M.

11. Members Present: John Torres, Robert Minch, Barbara Flebotte, Daniel Scully, Jerry Young.

Absent: Edward Mack

Mr. Young seated for Mr. Mack

Public Hearing was called to order by Chairman Torres at 7:35 P.M.

111. Public Hearing

1. Brett and Angela Sartain

Secretary, Mr. Scully read the legal notice. Brett and Angela Sartain of 686 Main Street, Somers CT. are seeking a variance from Somers Code Section 214-38 (Paragraph I) concerning stables for horses in order to allow for the use change to an existing outbuilding to house a horse on their property at 686 Main Street, Somers, CT.

Mr. Sartain spoke to the Commission members in regards to the existing building located on his lot, explaining that they wished to house the horse on there property within this dwelling. Mr. Torres presented information which outlined the previous homeowners coming before the Land Use Department in 1999. At that time the owners petitioned to have the older existing building to be torn down and a new one built in its place. He noted at that time that the existing building to be torn down was “grandfathered” in and did not need to be updated to meet with the current regulations at the time of their petition. But with the 1999 request, it was explained to the homeowners that the new building would need to meet the current regulations since the footprint was changing and a new dwelling created. The homeowners then signed documentation expressing that the new outbuilding would conform to the 1999 current regulations and would not be utilized to house any animals.

In 2006 these same homeowners once again requested to change the status of the outbuilding to be utilized to house animals as they were in the process of selling the property. Their request was denied. They had created their own hardship and permission could not be granted to approve a conforming building to be altered to a non-conforming one.

With that said, Mr. and Mrs. Sartain expressed that their hardship was that they owned the minimum 2 acres in which to own a horse on the property, but were unable to house the animal due to the properties lot dimensions. They also added that they had discussed with one of their abutters about leasing an acre of

their property in order to have 3 acres for which to allow for the building to be changed. The Commission members explained that unless the Sartains were to purchase the land, leasing it would not change the outcome of the status change. Commissioner Flebotte did explain that she thought they could lease the land as noted and have the horses graze on their land, but be housed on the neighbors property.

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No abutters were present.

11. Sulman Quraishi of Temple Property Management, LLC

Secretary, Mr. Scully read the legal notice. Sulman Quraishi of Temple Property Management, LLC of 585 Burnside Avenue, East Hartford, CT. is seeking a variance from Somers Code Section 214-98 requirement for side yard setback in order to allow for the location of a proposed rear exit door and deck for emergency access use for the medical office facility located at 146 Mains Street, Somers, CT.

Sulman and Mansoor Quraishi explained that in November 2006, Ms. Carson informed them that the deck on their property was nonconforming. They also presented the Commission with updated schematics for the above mentioned property. Commissioner Flebotte mentioned that the variance required was for the deck and not the exit door. The Commission agreed.

Sulman explained that the builder had noted that it would be best to have an emergency exit which was NOT located near the maintenance room. Initially, a door was shown on the plans, but was replaced with a window for whatever reason. Neither of the applicants knew why this change was made. Commission members noted that at this time there appears to be no hardship since a door may replace an exiting window; located at the back of the building and level with the typography of the land.

The Quraishi brothers stated that they would speak with the builder and explore why the other option was not accepted at the time of construction and get back to the Commission.

Since further information was needed, the Commission and the applicants agreed to continue the Public hearing until the next ZBA meeting. If in the interim, the applicants wish to withdraw their request; because the builder would dismantle the nonconforming deck and replace a window with an emergency exit door, then they would inform Commissioner Torres in writing. Otherwise, the applicants will be placed on the agenda for the next meeting.

After all discussion, motion made by Commissioner Scully; seconded by Commissioner Flebotte to adjourn the public hearing. Motion approved unanimously.

Public Hearing closed at 8:35 p.m.

IV. Regular Meeting

The regular meeting continued at 8:36 P.M.

V. Minutes Approval – November 14, 2006 & December 19, 2006

Motion made by Commissioner Minch, seconded by Commissioner Scully to approve the ZBA November 14, 2006 minutes as presented. Motion approved unanimously.

Correction – December 19, 2006 – Page 4 of 4 to be replaced with Page 3 of 3

Motion made by Commissioner Scully, seconded by Commissioner Flebotte to approve the ZBA December 19, 2006 minutes with above noted correction. Motion approved unanimously.

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VI. Public Hearing Discussion

1. Brett and Angela Sartain

After much discussion, motion made by Commissioner Scully; seconded by Commissioner Minch to cease discussion and vote.

The Commission voted unanimously to deny the variance from Somers code Section 214-38 (Paragraph I) concerning stables for horses in order to allow for the use change to an existing outbuilding to house a horse on their property at 686 Main Street, Somers, CT.

11. Temple Property Management, LLC.

The Commission voted unanimously to table any further discussion on this application until the next scheduled meeting.

VII. Old Business:

None

VIII. New Business:

Commissioner Torres presented the Commission with a copy of the projected budget for 2007; adding that he submitted the budget in February and believes it to be approved.

IX. Correspondence:

Three letters from the First Selectman's office were sent to Commissioner Torres; one establishing Mr. Minch as a regular member and the two others recognizing both Mr. Jerry Young and Mr. B.J. Ferro as alternate members to the ZBA Commission.

X. Bills:

Motion made by Commissioner Minch; seconded by Commissioner Flebotte to pay all ZBA bills including the Journal Inquirer in the sum of \$535.16. Motion approved unanimously.

XI. Adjournment:

*Motion made by Commissioner Young; second by Commissioner Minch to adjourn the meeting.
Motion approved unanimously. The meeting stood adjourned at 8:57 P.M.*

Respectfully submitted,

Jennifer D. Boudreau
Recording Secretary

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