

**ZONING BOARD OF APPEALS  
EAST GRANBY, CONNECTICUT  
June 7, 2016 MEETING**

A special meeting of the East Granby Zoning Board of Appeals was held on Tuesday, June 7, 2016. Members present when Chairman David Lawton called the meeting to order at 7:43 p.m. were John Corcoran, David Tobin, Gary Ginsberg and with alternate William O'Neill.

**PUBLIC HEARING**

The legal notice was read into the record for Application #16-04. The legal notice for Application #16-01 was read at the last meeting. The hearing was continued since the applicant was unable to attend the May meeting.

- A. Application #16-01 – Debra Banning/879 South Grand Street  
Front yard variance for an animal shelter

Scott Lingenfelter, an attorney representing the applicant, discussed his client's confusion as to whether a building permit was needed. He stated that she was told it was not and she did not think a zoning permit might be required. He distributed photos of the shelter and copies of letters from the Department of Agriculture. He also stated there was confusion as to how much of a variance was needed - 7 foot or 16 foot. It depended on how you measured. But either way, a variance is necessary. The structure is 12'x15' and within a fenced in area for the cattle on the driest portion of the property. He explained the history of the situation which began back in February of 2016.

He stated that this was a unique property and the goal was to protect the owners from an unnecessary hardship. He discussed the wetlands situation, the Town drainage pipe for road run-off, how the lot is within two Towns and the variance requested was minimal. He stated that no one would be harmed by this variance. Letters had been received from several neighbors as a part of the application and he distributed another letter to the Commission. He stated the variance would not affect anyone's property values. He also stated that the Town's Zoning Regulations specifically mention the protection and promotion of agricultural purposes.

Mr. Haynes discussed his staff report stating that he agrees that there are wetlands constraints on the property, but a part of the problem is that the majority of the property is in Suffield, They have too many animals to comply with Suffield zoning regulations so the cattle must be in East Granby, the drainage pipe can be moved so that the building can be pushed back, and he sees this issue as a self-created hardship.

At this time, Mr. O'Neill commented that he had met with the applicants before the hearing. Unbeknownst to him, that is not allowed and so Mr. Haynes recommended he recuse himself from any discussion or action on this application. He did note that Mr. O'Neill could choose to be seated in the audience and speak in favor or against as a Town resident. Mr. O'Neill recused himself as recommended.

Debra Banning spoke of the many “anonymous” complaints received by both the Town and the Department of Agriculture which she has addressed. She stated that the placement of the structure without approval was an honest mistake. She placed it where the Department of Agriculture stated would be acceptable. She also stated that the property has been a hardship since 1995 but is a labor of love.

In favor, neighbors on South Grand Street stated that they supported this application, that the children enjoy having the animals there and the shelter is not an eyesore and that it hurts no one.

No one was opposed. There were no further questions. The public hearing closed for this application.

**B. Application #16-04 – Ken Biter/58 South Main Street  
Increase in non-conformity for kitchen expansion**

Mr. Biter explained that his house was built in 1760 and is placed close to the road. Almost any expansion would require a variance. He distributed photos of his kitchen. The original interior staircase to the upstairs section of the house is right in the kitchen area making it very tight to maneuver. He stated that enlarging out the back would not be feasible because of his septic location, the roof lines and the increased cost. This proposal would connect the house to the old garage.

Mr. Haynes reviewed his report stating his agreement that this is a unique hardship because of the age of the house, its location and the septic area. The addition is set back as far as possible from the road. No one spoke in favor. No one was opposed. There were no further comments. The commission closed the hearing on this application.

The public hearing closed at 8:25 p.m.

**OLD BUSINESS**

**A. Application #16-01 – Debra Banning/879 South Grand Street  
Front yard variance for an animal shelter**

Mr. Ginsberg stated that this appears to be a minor issue, it doesn't affect the neighborhood detrimentally and the applicant has done their best to protect the wetlands and the animals. Mr. Tobin agreed.

David Lawton was concerned that if the applicant knew that there were issues with Suffield zoning rules then why didn't she think that there may also be zoning rules that apply in East Granby. He also stated that if everyone who wanted to vary the regulations stated that “it's not much of a variance” then what good is it to have regulations at all if everyone gets approved for that reason.

A motion was made by John Corcoran and seconded by David Tobin to approve the variance request as submitted. The votes in favor were three (Corcoran, Tobin & Ginsberg). Opposed one (Lawton). Mr. O'Neill was recused on this application and did not vote. Motion denied.

There was confusion by the members on the denial. Mr. Haynes had to explain that State Statute requires a super majority of the Board for a vote to carry which means there must be four votes in favor. Mr. O'Neill apologized to the Board and the Banning family on his misunderstanding of what was allowed.

## **NEW BUSINESS**

- B. Application #16-04 – Ken Biter/58 South Main Street  
Increase in non-conformity for kitchen expansion

A motion was made by Gary Ginsberg and seconded by William O'Neill to approve the variance request as submitted for the reasons stated during the hearing and in staff report dated 6/06/16. Votes in favor were unanimous. Motion carried.

## **ADJOURNMENT**

A motion was made by John Corcoran and seconded by Gary Ginsberg to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Rosalie McKenney  
Land Use Administrative Assistant