

TOWN OF NEW LONDON
ZONING BOARD OF ADJUSTMENT
MAY 22, 2006

PRESENT: Larry Ballin (Chair), Russ Cooper, Cheryl Devoe, Laurie DiClerico, Bill Green.

ALSO: Peter Stanley, Zoning Administrator; Crawford Lyons, applicants' representative.

Cheryl Devoe moved to accept the minutes of May 1, 2006. Bill Green seconded. No further discussion. Motion unanimously approved.

PUBLIC HEARING for:

Cathleen and Edgar Gerwig requesting a variance to the terms of Article XVI §C-2 of the New London Zoning Ordinance in order to install a thirty to thirty-five foot long electrical conduit from the main house to a play house located within the fifty-foot buffer setback from Pleasant Lake. The conduit will be buried in an 18-inch deep, 6-inch wide hand-dug trench. The property is located at 489 Bunker Road in the R2 zone.

Larry Ballin opened the hearing at 7:30 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing would be taped. The Zoning Board acknowledged receipt of a letter from the Gerwigs authorizing their son-in-law Crawford Lyons to represent them at this hearing.

Presentation

Crawford Lyons said the small structure, i.e. "playhouse," was located on this site within the 50-foot setback when the Gerwigs bought the property two years ago. They would like to provide some lighting in it, so that it may be used at night. He confirmed that the intention is not to use the structure as a residence, but just as a playhouse for children or visitors. All the electrical work will be done up to code.

Peter Stanley pointed out that the location within the buffer is already developed (the existing playhouse). This conduit is just going to cross lawn; nothing is going to be cut. He suggested that an approval be conditioned upon the requirement that work be completed—and the ditch be closed, in one day. That would obviate the need for placement of erosion control. Larry Ballin agreed that they could require that the trench be closed within a day, and if work extends beyond 24 hours, erosion control would be required. Peter Stanley added that that would probably result in more disturbance. (The ideal is for the work to be completed within one day.) Crawford Lyons stated that he is certain that the intention is to have this completed within one day of work.

Hearing no further comments or questions, Cheryl Devoe moved to close the public hearing, and open deliberations. Russ Cooper seconded. No further discussion. Motion unanimously approved.

Deliberations

Zoning Board members agreed that this proposal does meet the five criteria for a variance. To wit:

1. There will be no diminution of surrounding property values.
2. The use will benefit the public interest.
3. Denial may result in unnecessary hardship to the owner. (During the hearing, Peter Stanley pointed out that this is an "area variance," thus the criteria for hardship are (a) that a special condition exists—in this case, the pre-existing location of the playhouse within the buffer, and (b) applicant cannot light the playhouse by any other means that would not impose undue financial burden.)
4. For those reasons, substantial justice will be done in allowing this variance.
5. The proposed use (lighting the playhouse for evening use, but not for use as live-in residence) is not contrary to the spirit of the ordinance.

Russ Cooper moved to approve this variance with the condition that all work be completed and the trench be closed within one day, and if work extends beyond 24 hours, erosion control devices must be put into place. Bill Green seconded. There was no further discussion. Motion unanimously approved.

Larry Ballin reminded Mr. Lyons that now that the variance has been obtained, the Gerwigs still need to get their Building permit signed by the Town.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

S.A. Denz
Recording Secretary