

**ZONING BOARD OF APPEALS**

MINUTES  
Monday, October 4, 2010

The Town of Bloomfield Zoning Board of Appeals held a meeting on October 4, 2010, scheduled for 7:30 p.m. at the Town Hall, Council Chambers in Bloomfield, Connecticut with the following members present:

Present:

Jacqueline Isaacson, Chairperson  
Kim Chamerda  
Robert Cromwell  
Fannie Pittman  
Bill Starkie  
Lucille Wactowski

Also Present: Michael Kosilla

Absent: Donna Banks  
Pamela Gray  
Maureen Sullivan  
Recording Clerk

**LEGAL NOTICE**  
**TOWN OF BLOOMFIELD**  
**ZONING BOARD OF APPEALS**  
Notice is hereby given that the Zoning Board of Appeals will conduct public hearings on October 4, 2010 at the Bloomfield Town Hall, at 7:30 P.M., to consider the following:  
1. Request by Andrew Downer to overturn the ruling of the Zoning Enforcement Officer regarding the construction of a three-car PVC carport structure and a shed that was constructed within a Town of Bloomfield easement at 8 Privilege Road.  
Dated at Bloomfield, Connecticut this 20th day of September, 2010.  
ZONING BOARD OF APPEALS  
9-22-10  
Jacqueline Isaacson, Chairperson  
Pamela Gray, Secretary

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Dated at Bloomfield, Connecticut this 20th day of September, 2010.  
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9-29-10  
Jacqueline Isaacson, Chairperson  
Pamela Gray, Secretary

Ms. Isaacson called the meeting to order at 7:30 p.m. and read the Legal Notice that appeared in The Hartford Courant on September 22, 2010 and September 29, 2010.

1. **Request by Andrew Downer to overturn the ruling of the Zoning Enforcement Officer regarding the construction of a three-car PVC carport structure and a shed that was constructed within a Town of Bloomfield easement at 8 Privilege Road.**

Mr. Kosilla read his memorandum of September 28, 2010 to the Board regarding 8 Privilege Road. The Board was hearing an appeal to the Zoning Enforcement Officer's Cease and Desist Order. Mr. Kosilla believed the shed location within a drainage easement was not a zoning issue for the Zoning Board to rule on, but a legal issue with respect to the language of the easement in which the shed was constructed. Therefore, a memo was drafted to the Town Attorney regarding the issue of the shed, and the Board instructed not to hear that issue.

Mr. Andrew Downer of 8 Privilege Road discussed the carport structure. The town easement was discussed. Ms. Isaacson stated the structure is on the property line and the applicant did not have a building permit. Mr. Downer commented he did not see it any different than when he had a temporary tent up a few years ago. Ms. Isaacson responded the tent was temporary; however this structure was up for good. Mr. Downer stated the structure will be taken down if there is heavy snow. The existing home has a two-car garage plus the three-car carport structure. Mr. Cromwell asked if the vertical wooden posts that support the structure are buried in the ground. Mr. Downer responded nothing is buried in the ground for this structure. Mr. Downer is an engineer and designed the structure.

Ms. Chamerda asked if there was anything in the Regulations that define temporary to which Mr. Kosilla responded no. Ms. Chamerda commented this structure in her mind was way more than

a tent. Mr. Downer asked if it would be temporary if he took the structure down from January through March. The property line and side yards were discussed. The definition of temporary was discussed. The consistency of use was discussed.

Mr. Downer stated his neighbors did not have a problem with the structure. Ms. Isaacson explained those neighbors could move and new neighbors could move in.

Mr. Downer Sr. asked if the driveway was considered part of the structure. Ms. Isaacson responded the driveway is not part of the structure.

Mr. Cromwell commented that the three-car carport was not structurally sound. There are no connections from the vertical post to the ground. Mr. Downer replied that there are connections, there are hinges. The design of the structure was discussed, including what effects a heavy wind might have.

Ms. Chamerda believed this structure was significantly more than a tent and that it was not a temporary use.

Ms. Isaacson closed the public hearing.

Mr. Starkie stated that if he were a neighbor, he would not be pleased with this structure. He would have liked to have seen letters from the neighbors. Mr. Starkie was concerned with the structure.

Ms. Chamerda made a motion to uphold the Cease and Desist Order by the Zoning Enforcement Officer regarding the construction of a three-car PVC carport structure at 8 Privilege Road. Mr. Cromwell seconded the motion and it was approved unanimously.

2.

**Minutes of September 13, 2010.**

Ms. Pittman made a motion to approve the minutes of September 13, 2010 as amended. Mr. Cromwell seconded the motion and it was approved unanimously.

Ms. Pittman made a motion for the meeting to adjourn. Ms. Chamerda seconded the motion and it was approved unanimously.

The meeting adjourned at 8:10 p.m.

Pamela Gray (H.D.)  
Pamela Gray, Secretary

Maureen Sullivan (H.D.)  
Maureen Sullivan, Recording Secretary