

SPECIAL MEETING OF THE ZONING AND BY-LAWS  
COMMITTEE OF THE EXECUTIVE BOARD OF THE PINE  
ORCHARD

December 21, 2020

A special meeting of the By-Laws Committee and the Planning & Zoning Committee of the Executive Board of the Pine Orchard Association was conducted via the Zoom videoconferencing Application. The meeting was called to order at 7:00 p.m.

Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Len Farber, Seth Hershman, Mark Law, Ray Seligson. Joe Thomas, and Linda Sachs.  
Board members absent: Peggy Taylor, and Bruce Calderone

The purpose of the meeting to:

1. To receive public comments regarding amendment of the Pine Orchard Association Zoning Ordinance to allow patios within the property set back lines.
2. To consider, and if appropriate, draft a recommendation to the Pine Orchard Association Executive Board to amend the Pine Orchard Association Zoning Ordinance to allow patios within the property set back lines.

This issue recently came to light in connection with a variance sought by Matthew and Susan Barez for 18 Hart Avenue to install a patio within the property set back lines. The Zoning Board of Appeals denied the application. Some members of the ZBA expressed surprise that patios were required by Section 4.3 of the Zoning Ordinance to be located “so as to conform to all front, rear, and side yard requirements.”

Robin Sandler proposed amendment of the Zoning Ordinance to remove that provision. Joseph Sepot said that he was surprised to find such a requirement and indicated that it would be difficult to enforce in that no permit is required to install a patio.

Eric Rose, a member of the ZBA, said that he was similarly surprised to find that patios were subject to some of the same rules as structures. He supports the amendment so that people can enjoy their property in a practical way.

Susan Barez said that they felt they were being punished for seeking approval on the location of their patio.

There was discussion of potential drainage issues that might be created by location of a patio close to the property line. Matt Barez said that the homeowner would be responsible for dealing with run off affecting adjoining property.

Mark Law made a motion to strike the word “patio” from that portion of Section 4.3 of the Zoning Ordinance that made it subject to setback requirements and to add the proposed definition to the Zoning Ordinance.

Mark Law said that Pine Orchard’s zoning enforcement officer supported amending the definition of the word “Structure” in Section 16 of the Zoning Ordinance. Dick Greenalch read the proposed definition as follows:

“STRUCTURE: A structure is a combination of materials to form a construction for use, occupation, or ornamentation, whether installed on, above or below the surface of land or water. However, a structure shall not include sidewalks, patios, parking areas, driveways, fences not exceeding six feet in height and landscape features. Retaining walls, non-retaining walls, fences, or any combination thereof greater than six (6) feet in height are considered structures. A retaining wall, non-retaining wall, fence, or any combination thereof greater than six (6) feet in height defined herein as a structure shall be certified by a Professional Engineer licensed to practice in the State of Connecticut, and such certification shall be filed with the Pine Orchard Association Zoning Authority prior to construction. “

The motion was seconded and unanimously approved to be brought forward to the January 4<sup>th</sup> 2021 meeting of the Executive Board.

**Adjournment.**, Upon motion and second the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Margaret Haering, Clerk