

Unapproved

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426
essexct.gov**

MINUTES

March 19, 2013 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 19, 2013 at 7:35 p.m. in Room A of the Essex Town Hall.

Attending Members:

Stu Ingersoll, Chair
Doug Demarest, Vice Chair
Paul Greenberg, Regular Member
Michael Noto, Alternate Member, for Al Daddona
Lynn Faulstick, Alternate, seated for Alix Walmsley

Absent Members:

W. T. Furgueson

Staff:

Michael Wells, Legal Counsel to the Board
Stella Beaudoin, Recording Secretary

Mr. Ingersoll called the meeting to order at 7:30 p.m.

Mr. Ingersoll moved to the beginning of the Agenda, item 4, New Business; Filling Vacancy Caused by Resignation of Alix Walmsley.

MOTION to appoint Michael Noto, Alternate to be seated as a regular member; **MADE** by Stu Ingersoll; **SECONDED** by Lynn Faulstick; **No discussion: IN FAVOR:** S. Ingersoll, L. Faulstick D. Demarest, P. Greenberg; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Consideration of **Application #13-3 on behalf of Thomas and Ann Wilcox, 9 Curiosity Lane, Assessor's Map 25 Lot 16, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations** to locate a 528 s.f. detached garage on the property at a point 10 feet from the side property line where 25 feet is required.

Joe Wren, P.E. presented along with Nick Sapia, Sapia Building Company. Mr. Wren stated that letters were sent to the abutters informing of this application. Mr. Wren distributed areal and site photographs. There is an existing 2,100 s.f., 3 bedroom house on the site. There is a pond to the north side of the property and associated with the pond are wetlands. There is a 100 foot wetland review area. Existing septic is on the north side of the house and the system is comprised of two dry wells. Mr. Wren stated that there was soil testing for a B-100 preservation area which found its way to the health department. The side setback from the western property line is a proposed 24 x 22 garage. There will be no cupola on this building and the roof is an 8 pitch. There is a thick strand of evergreen trees

along the western property line. There was an appeal in 1992 on this property to construct a one-car garage in the side yard setback and five feet from the property line. This proposal is 10 feet from property line and 13 feet from the fence.

Mr. Wren presented several letters in favor of this application from the neighbors at the following properties: 6 Curiosity Lane; 7 Curiosity Lane; 12 Curiosity Lane 16 Curiosity Lane; 17 Curiosity Lane; 46 Dennison Road and 54 Dennison Road.

Mr. Wren stated that the hardship surrounding this application is the fact that the lot was created prior to the subdivision regulations and the house was built a few years prior to the adoption of the zoning regulations. The configuration of the existing dwelling is situated on the lot that predated zoning and Mr. Wren noted that this the only location on which the garage may be constructed without encroaching on the wetlands.

Attorney Wells stated that this application proposal is below coverage requirements. The hardship is that this is a preexisting lot and preexisting house and that placing the garage further towards the east of the lot is prevented by existing septic. Moving the garage toward the back of the property is prevented by the wetlands buffer. The topography, the wetlands location and the septic system present hardships associated with this proposal.

Mr. Noto asked if the lower portion of the existing house was once a garage. Mr. Wren stated that there was a garage on the west side of the house, however in the 1990's that area was converted to living space.

Mr. Wren confirmed that this space will be utilized as a garage only with no living facilities proposed for any portion of this structure.

Mr. Demarest asked if there is a letter from the next door neighbor in support of this application. Mr. Wren stated that the neighbor spoke with Mr. Budrow and stated that she is in favor.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Ingersoll closed the public portion of the meeting at 8:00 p.m.

Deliberation

Consideration of **Application #13-3 on behalf of Thomas and Ann Wilcox, 9 Curiosity Lane, Assessor's Map 25 Lot 16, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations** to locate a 528 s.f. detached garage on the property at a point 10 feet from the side property line where 25 feet is required.

Mr. Noto stated that this is a reasonable application and the reasons for the the hardship have been adequately summarized.

MOTION to grant a Variance to **Application #13-3 on behalf of Thomas and Ann Wilcox, 9 Curiosity Lane, Assessor's Map 25 Lot 16, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations** to locate a 528 s.f. detached garage on the property at a point 10 feet from the side property line where 25 feet is required. The hardship associated with this application is that this is a preexisting lot and preexisting house and that placing the garage further towards the east of the lot is

prevented by the existing septic. Moving the garage toward the back of the property is prevented by the wetlands buffer. The topography, the wetlands location and the septic system present hardships associated with this proposal. This proposal will be used for automobile storage only. There will be no living space located in this structure. This Variance is approved based on the plans as submitted; **MADE** by Michael Noto; **SECONDED** by Lynn Faulstick; **No Discussion: IN FAVOR:** S. Ingersoll, L. Faulstick, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Approval of Minutes – Public Hearings and Regular Meeting of February 19, 2013

MOTION to approve the February 19, 2013 meeting Minutes as presented; **MADE** by Lynn Faulstick; **SECONDED** by Paul Greenberg ; **No discussion: VOTING IN FAVOR:** S. Ingersoll, L. Faulstick, M. Noto, D. Demarest, P. Greenberg; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Correspondence / New Business:

There was no correspondence.

Adjournment

MOTION made to adjourn the meeting at 8:15 p.m. to the next regularly scheduled meeting to be held on Tuesday, April 16, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by Michael Noto; **SECONDED** by Doug Demarest; **No discussion: VOTING IN FAVOR:** S. Ingersoll, L. Faulstick, A. Daddona, D. Demarest, A. Walmsley; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary