

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426**

MINUTES Regular Meeting

**April 19, 2011
8:00 p.m. Room A Essex Town Hall**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, April 19, 2011 at 8:00 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Doug Demarest, Lynn Faulstick, Paul Greenberg and Tim Furgueson. Also present Michael Wells legal counsel to the Board and Stella Beaudoin, recording secretary.

- a. Application #11-1 on behalf of Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT, Assessor's Tax Map 42 Lot 42, VR District, requesting a variance of Sections 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 20' x 20' detached garage within the front and the side yard setbacks. The detached garage will be situated on the north end of the lot. The proposed location is 16 feet from the front property line where 30 feet is allowed. Also, the northwest corner of the garage is proposed to be 16 feet from the side property line and the northeast corner is proposed to be 22 feet from the side property line where 25 feet is required.

Michael Spiranza and Amalia Coppolecchia presented. Mr. Spiranza noted a change in the size of this proposal which would now make this proposed garage is 30' x 30'. The house is on Mill Pond and there is no other location for the garage. There is no room for storage other than in the eaves of the small Cape Cod home. The applicant is also looking to extend the existing master bathroom another eight feet. There is an existing shed which will be removed. The proposed garage is to be detached and will be situated a bit of a distance from the house. The purpose of keeping the garage a distance from the house is so as not to obstruct the view. Mr. Spiranza noted that if the garage were to be attached, it would infringe on the existing septic system. This is the least intrusive location. Architecturally in order to make the garage consistent with the existing house the applicant opted out for a 30' x 30' structure. This size is also in keeping with the house and the neighborhood. The garage will not exceed. The hardship is the septic which on the left side of the house and 13 feet from the left side of the house.

A third of the property is situated under water which is at least one quarter of the property.

Stu Ingersoll noted that a hardship is something that is unique to the property. The hardship cannot be a financial or convenience hardship.

Mike Wells stated that as he understands this proposal, the problem with the front setback goes through the middle of the land and cannot move closer to the pond due to that setback. The side setback is 25' and the applicant is at 22.16'. Mr. Wells suggested that the applicant move it over so

that the building is not into the side setback and Mr. Spiranza would be seeking only for a Variance for the front setback.

Mr. Spiranza stated that the location of the leaching fields prevents this proposal from being out of the side setback.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application.

There were no letters received on behalf of this application.

Mr. Ingersoll closed the public portion of this application at 8:25 p.m.

- b.** Application #11-2 on behalf of Herb Clark for Sharon D. Clark, property located at 11 Hilltop Avenue, Essex, CT, Assessor's Tax Map 46 Lot 39, VR District, requesting a variance of Sections 60B, 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 22' x 36' "carriage shed" at the southern end of the lot almost entirely within the front yard setback area. The southern most corner of the structure is to be fourteen feet from the front property line with the western most corner being ten feet where thirty feet is allowed. The accessory structure would increase the lot coverage from 6.09% to 7.89%.

Attorney Wells noted for the record that his partner, John Bennet represents a trust for which Mr. Clark is one of the trustees in an eviction matter.

Herbert Clark presented on behalf of this application. Mr. Clark stated that he proposed the construction of a 3-bay carriage shed that is in the front yard setback. The original map and application reflected 22' x 36' in the structure dimensions, which has now been changed to 22' x 30' and which is six feet smaller so as to minimize the impact on the neighborhood.

Mr. Clark stated that two variances for coverage and front setback are being requested this evening. The lot swings around a corner and goes down a hill so that everything is front yard. The proposed carriage shed is to be within 10 feet of the property line and 20 feet off of the road. There is 10 feet from the curbing line to the property and the carriage shed is 10 feet into the property. It will be a salt box with open doors and 3-bays. The doors face away from the road toward the house. The back of the carriage shed faces the road which offers minimal view from the road. The garage bays face the house and as such the view from the road will not be that of the cars. This structure is 15 feet to the ridge with a 10" pitch. Mr. Clark does not intend to install an apartment over this proposed structure.

Mr. Clark submitted letters from the neighbors: The Cleggs and the Reamers.

Mr. Clark noted that this shed will not change the character of the neighborhood. The hardship is the topography of the lot and of the area.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition of this application.

Greg Ellis and Robin Ellis, neighbors who stated that they have no objection to this proposal.

Mr. Ingersoll read into the record a letter from Randall Clegg who is in favor of this proposal.

Mr. Ingersoll read into the record a letter from the Reamers who are in favor of this proposal.

Mr. Ingersoll closed the public portion of this hearing at 8:35 p.m.

- c. Application # 11-3 on behalf of Stanley Dietz, property located at 221 Westbrook Road, Essex, CT, Assessor's Map 91, Map 13, RU District, requesting a variance of Sections 61B of the Essex zoning regulations. This is an application to add a screen porch to the rear of an existing single family residence. The lot coverage would increase from 9.6% to 10.4%.

Christopher Wells and Stan Dietz presented on behalf of this application. The applicant is looking to construct a screened-in patio to enclose their furniture. The patio is already in place and Mr. Wells would like to construct walls and a roof. There is a building behind the porch which is a butler's pantry. The roof of the pantry needs to be replaced. This proposal will actually help that situation with the pantry, when the porch is roofed.

It was noted that the patio is not to be considered into the coverage unless it has a roof on it. The proposal is comprised of cedar posts, screening and a door which will be utilized as the entrance to the porch.

The hardship surrounding this application is that there is an existing brick patio and by adding the roof the applicant is not adding living space. The hardship also surrounds the reduction in the Zoning regulations to 7.5% and it is a preexisting situation. There are no other setbacks. The proposal is simply the building coverage.

The applicant stated that he would be amenable to a conditional approval stipulating no windows, no walls; only screens as a screened in room with no walls. Walls will not be installed on the premise of converting this porch into a room.

This proposal is obstructed from the neighbors view.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition of this application.

Mr. Ingersoll closed the public portion of this application at 8:45 p.m.

- d. Application #11-4 on behalf of J.T. Flower for Caroline Flower, property located at 2 Essex Square, Essex, CT, Assessor's map 47, lot 88, EV District, requesting a variance of Section 110F.4 of the Essex zoning regulations. This is an application requesting approval to not require four (4) parking spaces for a potential office space. The lot currently contains a single commercial building but a variance granted in September, 2009 allowed the reconstruction of a barn to take place. Within the barn there may be a proposed use for a professional office. The applicant is looking for relief from the Town's parking requirements for this proposed professional office use.

Jeff Flower presented before the ZBA in 2009 to build a barn and he did not include parking in that application. Mr. Flower stated that he has taken the existing main building and added in office space on the barn, which will be converted. It is currently approved as storage but will be built to office space. This is approved for four parking spaces and Mr. Flower stated that he is looking for a Variance to approve that parking. The old barn had 4 spaces but was very tight so Mr. Flower

changed it to three spaces. Mr. Flower stated that none of the existing parking spaces meet the current day regulations. They are far too small and do not meet the criteria of modern day. The hardship is that this property has historically had a number of uses. Originally it was a rooming house and the front portion was utilized as a music studio. The remainder of the house had three floors on it and the second store was used as apartments and for storage. This space has had office, it has had retail in it and it has had apartments in it. The current parking regulations are met as the spaces already exist.

Variance granted in 2009 to reconstruct the barn for storage. That barn has not yet been constructed. There is a slab existing. There are three spaces existing and are taken into account with the slab that exists. The original plan approved for storage approved three spaces under that structure.

The hardship is the configuration of the property and the fact that the original building was built over 100 years ago. Professional office use requires 4 spaces which is what the applicant is applying for. The existing foundation and a frost wall in place

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition on behalf of this application.

There were no letters.

Mr. Ingersoll closed the public portion of this application at 9:05 p.m.

DELIBERATION

Application #11-1 on behalf of Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT, Assessor's Tax Map 42 Lot 42, VR District, requesting a variance of Sections 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 20' x 20' detached garage within the front and the side yard setbacks. The detached garage will be situated on the north end of the lot. The proposed location is 16 feet from the front property line where 30 feet is allowed. Also, the northwest corner of the garage is proposed to be 16 feet from the side property line and the northeast corner is proposed to be 22 feet from the side property line where 25 feet is required.

This is a unique lot in that so much of it is underwater. It is surrounded by land trust property on one side and water on the other side and 1/3rd of the property is underwater. The location and the leaching fields dictate the location of the proposal, all of which provides sufficient hardship to allow for a Variance.

Doug Demarest stated that the view will be changed considerably as viewed from the park. It is considerably bigger than what is there now and twice as high.

Paul Greenberg stated that this proposal will be nestled in the trees and that he is in favor of granting a Variance to this application.

Motion made by Stu Ingersoll to approve a Variance for Application #11-1 on behalf of Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT, Assessor's Tax Map 42 Lot 42, VR District, requesting a variance of Sections 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 30' x 30' detached garage within the front and the side yard setbacks. The detached garage will be situated on the north end of the lot. The proposed

location is 16 feet from the front property line where 30 feet is allowed. This Variance is granted on the basis that this is a unique property where approximately one-third of the property is underwater; the location of the septic system is such that the proposed location is the only location on which this proposal can be constructed. The hardship lies with the topography and the unusual configuration of the lot.

This proposal is granted in accordance with the plans "Additions and Renovations to: 5 Falls River Drive, Ivoryton, CT received March 29, 2011."

Discussion

This is a unique lot in that so much of it is underwater. It is surrounded by Essex Land Trust property on one side and water on the other side and one-third of the property is underwater. The location and the leaching field dictate the location of the proposal, all of which provides sufficient hardship to allow for a Variance.

Motion seconded by Lynn Faulstick and passed unanimously.

Application #11-2 on behalf of Herb Clark for Sharon D. Clark, property located at 11 Hilltop Avenue, Essex, CT, Assessor's Tax Map 46 Lot 39, VR District, requesting a variance of Sections 60B, 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 22' x 36' "carriage shed" at the southern end of the lot almost entirely within the front yard setback area. the southern most corner of the structure is to be fourteen feet from the front property line with the western most corner being ten feet where thirty feet is allowed. The accessory structure would increase the lot coverage from 6.09% to 7.89%.

Doug Demarest noted that this proposal really changes the view of the area. However, the neighbors have looked at the proposal and have approved the location.

Stu Ingersoll indicated that the fact that the building has been turned around so as to afford passers-by only a view of the back of the building. Also, there is a topography issue associated with this property.

Motion made by Stu Ingersoll to approve a Variance for Application #11-2 on behalf of Herb Clark for Sharon D. Clark, property located at 11 Hilltop Avenue, Essex, CT, Assessor's Tax Map 46 Lot 39, VR District, requesting a variance of Sections 60B, 40C, 40D, 40I and 40I.1 of the Essex zoning regulations. This is an application to locate a 22' x 36' "carriage shed" at the southern end of the lot almost entirely within the front yard setback area. The Variance is granted as presented based on the topography of the property which makes this property unique. The proposed location for the carriage shed is reasonable and the application was supported by the neighbors.

This Variance is granted in accordance with the plans: "Property Survey Plan properties of Susan M. Gregory 11 Hilltop Avenue and Susan E. Saltus, 55 Saybrook Road, Essex, CT (dated March 3, 2011 and received April 19, 2011), by Angus McDonald Gary Sharpe & Associates, Inc."

Motion seconded by Lynn Faulstick and passed unanimously.

Application # 11-3 on behalf of Stanley Dietz, property located at 221 Westbrook Road, Essex, CT, Assessor's Map 91, Map 13, RU District, requesting a variance of Sections 61B of the Essex zoning regulations. This is an application to add a screen porch to the rear of an existing single family residence. The lot coverage would increase from 9.6% to 10.4%.

Motion made by Lynn Faulstick to approve a Variance for Application #11-3 on behalf of Stanley Dietz, property located at 221 Westbrook Road, Essex, CT, Assessor's Map 91, Map 13, RU District, requesting a variance of Sections 61B of the Essex zoning regulations. This is an application to add a screen porch to the rear of an existing single family residence. The lot coverage would increase from 9.6% to 10.4%. This Variance is approved with the understanding that no walls will be constructed and no glass will be installed. This proposal is for the construction of a screened porch going over the patio area.

This Variance is granted in accordance with the plan received March 15, 2011 as a part of this application. The hardship is that this is a preexisting property which preceded the change in the Essex zoning regulations. The applicant proposes no changes in the surface and will simply place a roof over the screened-in porch. The approval of this Variance mandates the applicant cannot change the screened-in porch to a living space without further review by the Essex Zoning Board of Appeals.

Motion seconded by Paul Greenberg and passed unanimously.

Application #11-4 on behalf of J.T. Flower for Caroline Flower, property located at 2 Essex Square, Essex, CT, Assessor's map 47, lot 88, EV District, requesting a variance of Section 110F.4 of the Essex zoning regulations. This is an application requesting approval to not require four (4) parking spaces for a potential office space. The lot currently contains a single commercial building but a variance granted in September, 2009 allowed the reconstruction of a barn to take place. Within the barn there may be a proposed use for a professional office. The applicant is looking for relief from the Town's parking requirements for this proposed professional office use. Granted in accordance with the plans: "The Castiglioni Family LLC VOL 249 PG 518. Received March 22, 2011."

It was noted that this is such a unique property and it has had so many uses. The applicant is looking for a four-parking space Variance. Mr. Flower is looking for a Variance so that he does not have to put in the four spaces. There is ample parking existing and it is not necessary for the property, as it is. If a future owner comes in and requests a change in the use which would change the parking scenario, that person would be required to appear before the ZBA. The approval will specify professional offices.

The hardship is configuration of the property which predates zoning. There is more than adequate parking on the spaces. .

Motion made by Stu Ingersoll to approve a Variance for Application #11-4 on behalf of J.T. Flower for Caroline Flower, property located at 2 Essex Square, Essex, CT, Assessor's map 47, lot 88, EV District, requesting a variance of Section 110F.4 of the Essex zoning regulations. This is an application requesting approval to not require four (4) parking spaces for a potential office space. The lot currently contains a single commercial building but a variance granted in September, 2009 allowed the reconstruction of a barn to take place. Within the barn there may be a proposed use for a

professional office. The applicant is looking for relief from the Town's parking requirements for this proposed professional office use. The hardship surrounding this Variance is the configuration of the property which predates zoning.

The Variance is granted in accordance with the plans: "The Castiglioni Family LLC VOL 249 PG 518. Received March 22, 2011."

Discussion: There is more than adequate parking on the property with the existing spaces. This is a unique property with ample existing parking. If a future owner requests a change in the use which would change the parking scenario, that person will be required to appear before the Essex ZBA.

Motion seconded by Lynn Faulstick and passed unanimously.

Respectfully submitted

Stella C. Beaudoin
Recording Secretary