

Unapproved

Town of Essex - Zoning Board of Appeals

29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

July 17, 2012 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, July 17, 2012 at 7:30 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Paul Greenberg, Michael Noto, Alix Walmsley and Doug Demarest.

Staff: Michael Wells, Legal Counsel to the Board and Stella Beaudoin, Recording Secretary.

Mr. Ingersoll called the meeting to order at 7:34 p.m.

Consideration of **Application #12-18 on behalf of Stewart Schenk at 43 West Avenue, Essex, CT, Assessor's Map 32, Lot 17 VR District requesting a variance to Section 60B of the Essex zoning regulations to allow for an expansion of a principal dwelling to increase lot coverage to 9.39% where 7.5% is maximum allowed.**

Stewart Schenk presented on behalf of this application. Mr. Schenk introduced Paul Riggio, contractor and David Beveridge, architect. The property is .71 acres in size and is comprised of a single family residence with a detached barn/garage and two sheds. This proposal involves the construction of a new 15' x 15' solarium and demolition and reconstruction of the existing garage. Mr. Schenk is looking to demolish the existing detached barn due to foundation concerns. Mr. Schenk stated that his house is circa 1700's, noting that the hardship is the coverage and the buildings pre-existed zoning.

Paul Riggio stated that the foundation on this house is structurally unsafe and meets none of the current building code standards. The old foundation will be removed and a new code compliant foundation will be constructed, all within the same footprint. There is a difference of 55 square feet between the proposed solarium and the existing shed which is proposed to be demolished. Mr. Riggio stated that the uniqueness of the hardship was created by the change to the zoning regulations.

The 720 s/f structure will connect to the existing principal dwelling through a proposed 15' x 15' solarium. Attorney Wells confirmed that this will serve as a handicap accessible connector between the garage and the house.

Mr. Ingersoll asked the Board if they had any questions.

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

Mr. Ingersoll read into the record a letter from Andrea Griffis and Allan Ingllis, 49 West Avenue, stating their approval to this proposal.

Mr. Ingersoll closed the public portion of this application at 7:47 p.m.

Consideration of **Application #12-19 on behalf of Susan McNamara at 32 Hemlock Drive, Essex CT, Assessors Map 73 Lot 3, RU district, requesting variances to sections 40C, 40D, 50D, and 61B of the Essex zoning regulations to allow a 392 s/f expansion to a detached garage that was approved by the ZBA in 2007, and to allow lot coverage to increase from 10.1% to 10.8% where 7.5% is the maximum allowed.** This property is 1.24 acres in size and overlooks South Cove. In 2007 the Zoning Board of Appeals granted a Variance for a 28' x 28' detached garage on the property. The garage was never constructed.

Ryan McNamara presented on behalf of this application. Mr. McNamara stated that he presented to the ZBA last month and his proposal was denied. Mr. McNamara stated that there is a previous ZBA Variance approval on the record for a 28' x 28' detached garage and he is here this evening to request approval for an additional 392 s/f expansion of the proposed garage. Mr. McNamara distributed photographs of his proposal.

Attorney Wells noted that Mr. McNamara meets all of the requirements except for that of the coverage. Attorney Wells stated that this application requests a setback variance and he noted that this proposal does not infringe on the setback.

Mr. Noto questioned the need for a 5-bay garage. Mr. McNamara stated that two of the existing bays were constructed in the 1960's noting that his vehicles barely fit in that space. Mr. McNamara owns 2 trucks and 2 cars. When asked, Mr. McNamara stated that he would not be in favor of the Board approving the variance with restrictions prohibiting the creation of an accessory apartment above the garage.

The photographs Mr. McNamara presented did not include dimensions. Mr. Demarest asked Mr. McNamara if he would be opposed to the Board adding dimensions to the photographs to include the building size at 28' x 42' and a maximum height of 30 feet or less. The previously granted variance was for the construction of a 28' x 28' garage.

Mr. Ingersoll asked the Board if they had any questions.

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

John Messick, neighbor of the applicant stated that he had no issues with the construction of this structure.

Mr. Ingersoll closed the public portion of this application at 8:05 p.m.

Deliberation

Application #12-18 on behalf of Stewart Schenk at 43 West avenue, Essex, CT, Assessor's Map 32, Lot 17 VR District requesting a variance to Section 60B of the Essex zoning regulations to allow for an expansion of a principal dwelling to increase lot coverage to 9.39% where 7.5% is maximum allowed.

Attorney Wells noted for the record that he has in the past represented the applicant, however has no current dealings with Mr. Schenk.

Mr. Noto stated that Mr. Schenk and his architect have done everything to minimize the expansion and the hardship is that this property predates the 7.5% zoning requirement.

Motion made by Michael Noto to approve a Variance for **Application #12-18 on behalf of Stewart Schenk at 43 West Avenue, Essex, CT, Assessor's Map 32, Lot 17 VR District requesting a variance to Section 60B of the Essex zoning regulations to allow for an expansion of a principal dwelling to increase lot coverage to 9.39% where 7.5% is maximum allowed.** The variance is approved based on the hardship that this property predates the zoning regulations and linking a connector to the detached garage is ADA compliant. The garage will be constructed on the same site of the existing garage utilizing the same footprint. This proposal is approved in accordance with the plans as submitted.

Motion seconded by Paul Greenberg and passed unanimously.

Application #12-19 on behalf of Susan McNamara at 32 Hemlock Drive, Essex CT, Assessors Map 73 Lot 3, RU district, requesting variances to sections 40C, 40D, 50D, and 61B of the Essex zoning regulations to allow a 392 s/f expansion to a detached garage that was approved by the ZBA in 2007, and to allow lot coverage to increase from 10.1% to 10.8% where 7.5% is the maximum allowed. This property is 1.24 acres in size and overlooks South Cove. In 2007 the Zoning Board of Appeals granted a Variance for a 28' x 28' detached garage on the property. The garage was never constructed.

Mr. Ingersoll stated that the Board previously approved a variance for a 3-car garage.

Attorney Wells stated that the Board previously determined there was a hardship to allow an expansion on the property to 9.3%.

Motion made by Doug Demarest to approve a Variance for **Application #12-19 on behalf of Susan McNamara at 32 Hemlock Drive, Essex CT, Assessors Map 73 Lot 3, RU district, requesting variances to sections 40C, 40D, 50D, and 61B of the Essex zoning regulations to allow a 392 s/f expansion to a detached garage that was approved by the ZBA in 2007, and to allow lot coverage to increase from 10.1% to 10.8% where 7.5% is the maximum allowed.** In 2007 the Zoning Board of Appeals granted a Variance for a 28' x 28' detached garage on the property. The garage was never constructed. The approval of this variance is restricted to 42' x 28' structure and the height will be 30' or less. There will be no dormer, no skylights, no apartment, no kitchen or bathroom and no plumbing within the garage premises. The variance is approved in accordance with the drawing as submitted.

Motion seconded by Alix Walmsley and passed unanimously.

Motion made by Michael Noto to accept the June 2012 regular meeting Minutes as presented.

Motion seconded by Alix Walmsley and passed unanimously.

Correspondence / New Business: None

Motion made by Paul Greenberg to adjourn at 8:17 pm.

Motion seconded by Michael Noto and passed unanimously.
Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The proceedings of the July 17, 2012 Public Hearing were recorded on 1 card. Please speak with the Essex Zoning Office for further information.