

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board
Stu Ingersoll, Chairman
Doug Demarest, Vice Chairman

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Regular Members
Al Daddona
Michael Noto
Paul Greenberg

Alternate Members
Lynne Faulstick
W. T. Fergusson
William Veillette

MINUTES

May 21, 2013 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 21, 2013 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Doug Demarest, Vice Chair
Al Daddona, Regular Member
Paul Greenberg, Regular Member
Michael Noto, Regular Member
William Veillette, Alternate Member seated for Stu Ingersoll

Absent Members:

W. T. Fergusson, Alternate Member

Stu Ingersoll joined the meeting as an observer.

Staff:

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

Mr. Demarest called the meeting to order at 7:44 p.m.

Consideration of **Application #13-5 on behalf of Thomas Hutton and Raquel Rivera Hutton, 25 Main Street, Essex, Assessor's Map 47 Lot 66 EV District, requesting variances to section 70B** of the Essex zoning regulations to allow a new 4; x 19' deck that would increase lot coverage from 30.2% to 31.1% where 25% is the maximum allowed.

Raquel Rivera Hutton presented on behalf of this application. Ms. Rivera stated that she purchased the property in 2012 and the house was comprised of 5 units. Ms. River stated that she would like to convert this property to one residential home which would reduce the coverage by 2%. Ms. Rivers stated that the hardship is that there is no emergency egress in two of the bedrooms. Ms. Rivers proposes the construction of a deck outside of the bedroom which will provide a way for egress out of the master bedroom to the ground level where there is an existing 20 foot patio.

The structure predates zoning and predated the zoning regulations. The previous owner had a deck in place for emergency access and the applicant wishes to restore the deck over the existing patio.

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

Mr. Demarest closed the public portion of the meeting at p.m. 7:50 p.m.

Consideration of **Application #13-6 on behalf of Faith and Alan Kerr, 44 Summit Street, Ivoryton, Assessor's Map 58 Lot 19, RU District, requesting variances to sections 40D, 40E, 45D.3, 50D and 60B of the Essex zoning regulations** to allow a single family dwelling with a total floor area of less than 2000 s.f. to have an accessory apartment. Also, to allow a proposed 900 s.f. addition to increase the lot coverage from 8.4% to 10.35% where 7.5% is the maximum coverage allowed.

Alan Kerr presented on behalf of this application. Mr. Kerr stated that he and his wife would like to construct an accessory apartment to house their elderly parents. Mr. Kerr introduced his architect, Walter Burns. Mr. Burns stated that the existing house is 2,000 s.f. which is requirement for an accessory apartment. The proposed addition will be 900 s.f. which includes the overlap of the existing 300 s.f. deck. If the variance is permitted the applicant will appear before the Zoning Commission for a special exception for the allowance of an accessory apartment.

Mr. Wells asked if an additional 9 s.f. could be added to the proposal so as to reduce the need for that section of the zoning regulations to be varied, which would also serve to reduce the number of variances sought. The applicant would then be left with the height and the lot coverage to be varied. In this zone the height is 30 feet and the existing house on the grade to peak is 30 feet. Due to the natural pitch of the land, with the addition from the lowest point to the highest feet is 35 feet.

Mr. Burns stated that the hardship is that the lot existed prior to zoning.

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

Mr. Demarest closed the public portion of the meeting at 8:05 p.m.

Consideration of **Application #13-7 on behalf of Peter Kamford, 14 Little Point Street, Essex, Assessor's Map 31 Lot 16, VR District, requesting a variance to section 60B of the Essex zoning regulations** to allow an 8' x 8' garden shed to increase building coverage from 18.11% to 19.65% where 7.5% is the maximum allowed.

Tony Brodeur, General Contractor, North Cove Construction presented on behalf of this application for the homeowner who is in England on business. Mr. Brodeur stated that the shed meets the setback requirements however the coverage is the issue. The hardship is that the house predates the zoning regulations. There is an existing one-car garage attached to the house and the applicant owns 3 cars. Storage facility is needed in order to store lawn equipment. The clapboard of the shed will match the house. The door height is 6'4" and the roof pitch will be no more than 10 feet high. The shed will be built in pieces

offsite and Mr. Brodeur will bring in the pieces and construct on-site. The shed will sit on stone beds.

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

Mr. Demarest closed the public portion of the meeting at 8:10 p.m.

Consideration of **Application #13-8 on behalf of David Wheeler, 16 Hickory Lane, Ivoryton, Assessor's Map 89 Lot 23, RU District, requesting a variance to section 61B of the Essex zoning regulations** to allow a 16.5" x 12" addition to the house to increase the building coverage from 14.3% to 15.38% where 7.5% is the maximum allowed.

David Wheeler presented on behalf of this application. Mr. Wheeler stated that he purchased the property in 2005 and he would like to construct a small addition which will increase the coverage by 1%. The living space will increase by 144 s.f. on the first floor and 144 s.f. on the second floor. This is a proposed two-story addition. The house was previously owned by Riggio and was used as a shop. The downstairs used to be garage space which was converted into a home prior to Mr. Wheeler purchasing the property. The roof line on the addition will be lower than that of the existing house.

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

Mr. Demarest closed the public portion of the meeting at 8:15 p.m.

Consideration of **Application #13-9 on behalf of Mark D. McDonald, 6 Mack Lane, Essex, Assessor's Map 46 Lot 24, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to allow a Bilco door to be located 21 feet from the northern side property line where 25 feet is required.

John Spranzo contractor presented on behalf of this application. This property was previously approved for a variance to the side setback. The old foundation was poured in 1920 and attempts to cut a hole in the foundation would cause structural problems. It was safer and more cost effective to pour a new foundation to the addition and add the Bilco doors to that addition. The previous variance was originally approved for a 23 foot setback for the entire building. The applicant has moved it back to be more in compliance. The Bilco door will be installed in the new addition and will allow access to the exterior of the basement.

The applicant is looking for a modification to the previously issued variance to change the side yard setback.

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

Mr. Demarest closed the public portion of the meeting at 8:20 p.m.

Consideration of **Application #13-10 on behalf of G&P Trust, 44 Main Street, Centerbrook, Assessor's Map 44, Lot 34 C District requesting variances to sections**

40D, 40E, 40I.1, 50C.2, 50D and 80C of the Essex zoning regulations to allow a 1,191 s.f. addition to a point 7'6" from the southerly side property line where 15 feet is required and to allow an increase to the building coverage from 11.5% to 19.9% where 15% is the maximum allowed.

Attorney Terrance Lomme presented on behalf of this application. Mr. Lomme stated that he is not looking for variance for coverage. While the coverage will increase it is still under the allowable 15% maximum amount. Attorney Lomme also corrected the addendum to the application as the prior use was a "beauty salon". Attorney Lomme stated that the hardship surrounding this application is the configuration of the property and that there are two easements that cross the back of the property. The applicant intends to make the property more conforming than it currently exists.

Attorney Lomme submitted two letters in support of the application. Keith Tubman, Industrial Park Road, Centerbrook, CT and a letter from the Valley Industrial Park Condominium Association, both in support of this proposal.

Attorney Lomme submitted a full size plan for the record.

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

Richard Fargel abutting property owner stated that he is in support of this application.

There was no further public comment.

Mr. Demarest closed the public portion of the meeting at 8:34 p.m.

Consideration of **Application #13-11 on behalf of Paul Simoneau, 21 Lynn Rd., Ivoryton, RU District requesting a variance to section 61B** to allow a 710 s.f. addition and a 364 s.f. porch to increase the building coverage from 5.9% to 7.66% where 7.5% is the maximum allowed.

Paul Simoneau presented on behalf of the application. Mr. Simoneau stated that he does not plan to enclose the proposed porch as a part of this proposal.

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

Mr. Demarest closed the public portion of the meeting at 8:37 p.m.

Deliberation

Consideration of **Application #13-5 on behalf of Thomas Hutton and Raquel Rivera Hutton, 25 Main Street, Essex, Assessor's Map 47 Lot 66 EV District, requesting variances to section 70B** of the Essex zoning regulations to allow a new 4; x 19' deck that would increase lot coverage from 30.2% to 31.1% where 25% is the maximum allowed.

Mr. Noto stated that this is a minimal proposal and the configuration of the lot is a hardship and this is a necessary addition with a minimal increase in the coverage.

MOTION to grant a Variance to **Application #13-5 on behalf of Thomas Hutton and Raquel Rivera Hutton, 25 Main Street, Essex, Assessor's Map 47 Lot 66 EV District, requesting variances to section 70B** of the Essex zoning regulations to allow a new 4; x 19' deck that would increase lot coverage from 30.2% to 31.1% where 25% is the maximum allowed. The hardship is the configuration of the lot. This is a necessary addition with minimal increase in coverage. This Variance is approved based on the plans as submitted; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-6 on behalf of Faith and Alan Kerr, 44 Summit Street, Ivoryton, Assessor's Map 58 Lot 19, RU District, requesting variances to sections 40D, 40E, 45D.3, 50D and 60B of the Essex zoning regulations** to allow a single family dwelling with a total floor area of less than 2000 s.f. to have an accessory apartment. Also, to allow a proposed 900 s.f. addition to increase the lot coverage from 8.4% to 10.35% where 7.5% is the maximum coverage allowed.

Mr. Noto asked Attorney Wells for summary of this proposal with regard to the role the Zoning Commission will assume if a variance is granted.

Attorney Wells stated that the regulations require a minimum 2,000 s.f. house on which to add square footage. This house is 1,991 s.f. and the applicant is proposing a 900 s.f. addition. Attorney Wells suggested that the applicant add an additional 9 s.f. to the house so that the house would then meet the 2,000 s.f. zoning regulation requirement. If the Board grants the variance, the applicant may build an addition to the house. However the applicant is seeking approval for an accessory apartment which is why they will need to apply for a special exception to the zoning regulations. The applicant is seeking a total of three variances.

Mr. Noto stated that the height is not an issue and the coverage is not excessive.

MOTION to grant a Variance to **Application #13-6 on behalf of Faith and Alan Kerr, 44 Summit Street, Ivoryton, Assessor's Map 58 Lot 19, RU District, requesting variances to sections 40D, 40E, 45D.3, 50D and 60B of the Essex zoning regulations** to allow a single family dwelling with a total floor area of less than 2000 s.f. to have an accessory apartment. Also, to allow a proposed 900 s.f. addition to increase the lot coverage from 8.4% to 10.35% where 7.5% is the maximum coverage allowed. The hardship is the topography, the preexisting lot with a preexisting house. This Variance is approved based on the plans as submitted dated March 8, 2013 and prepared by Richard Gates; **MADE** by P. Greenberg; **SECONDED** by M. Noto; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-7 on behalf of Peter Kamford, 14 Little Point Street, Essex, Assessor's Map 31 Lot 16, VR District, requesting a variance to section 60B of the Essex zoning regulations** to allow an 8' x 8' garden shed to increase building coverage from 18.11% to 19.65% where 7.5% is the maximum allowed.

MOTION to grant a Variance to **Application #13-7 on behalf of Peter Kamford, 14 Little Point Street, Essex, Assessor's Map 31 Lot 16, VR District, requesting a variance to**

section 60B of the Essex zoning regulations to allow an 8' x 8' garden shed to increase building coverage from 18.11% to 19.65% where 7.5% is the maximum allowed.

The hardship is the small lot size and the fact that this is a minimal increase in coverage. This Variance is approved for an 8'x8' structure with a 4'x4' door and the building is 10 feet in height. This variance is approved in accordance with the plans as submitted of the proposed shed drawing which accompanied the application; **MADE** by M. Noto; **SECONDED** by A. Daddona; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-8 on behalf of David Wheeler, 16 Hickory Lane, Ivoryton, Assessor's Map 89 Lot 23, RU District, requesting a variance to section 61B of the Essex zoning regulations** to allow a 16.5" x 12" addition to the house to increase the building coverage from 14.3% to 15.38% where 7.5% is the maximum allowed.

Mr. Daddona stated that the building coverage increases by 1.05%. The hardship is the lot and any addition would affect the building itself.

MOTION to grant a Variance to **Application #13-8 on behalf of David Wheeler, 16 Hickory Lane, Ivoryton, Assessor's Map 89 Lot 23, RU District, requesting a variance to section 61B of the Essex zoning regulations** to allow a 16.5" x 12" addition to the house to increase the building coverage from 14.3% to 15.38% where 7.5% is the maximum allowed. The hardship is based on the minimal intrusion on the coverage and the small lot size and on the topography of the land. This Variance is approved based on the plans as submitted with the application; **MADE** by A. Daddona; **SECONDED** by M. Noto; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-9 on behalf of Mark D. McDonald, 6 Mack Lane, Essex, Assessor's Map 46 Lot 24, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to allow a Bilco door to be located 21 feet from the northern side property line where 25 feet is required.

Mr. Noto stated that access from the outside is a requirement and he noted that the lot coverage is less than that of the original approval.

MOTION to grant a Variance to **#13-9 on behalf of Mark D. McDonald, 6 Mack Lane, Essex, Assessor's Map 46 Lot 24, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to allow a Bilco door to be located 21 feet from the northern side property line where 25 feet is required. The hardship is the necessary access from the interior of the building to the outside of the building. This Variance is approved based on the plans as submitted dated April 26, 2013; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-10 on behalf of G&P Trust, 44 Main Street, Centerbrook, Assessor's Map 44, Lot 34 C District requesting variances to sections 40D, 40E, 40I.1, 50C.2, 50d and 80C of the Essex zoning regulations** to allow a 1,191 s.f. addition to a point 7'6" from the southerly side property line where 15 feet is required

and to allow an increase to the building coverage from 11.5% to 19.9% where 15% is the maximum allowed.

Mr. Noto stated that there is a discrepancy between the legal notice and the actual numbers in the application.

Attorney Wells stated that the Board has been presented with a certified survey and that is what guides the Board in their decision.

Mr. Daddona stated that the side yard intrusion is very minimal, the design will make the building more attractive and the applicant is removing unsightly additions to the house. Subject to the plans dated February 13, 2013.

MOTION to grant a Variance to **Application #13-10 on behalf of G&P Trust, 44 Main Street, Centerbrook, Assessor's Map 44, Lot 34 C District requesting variances to sections 40D, 40E, 40I.1, 50C.2, 50d and 80C of the Essex zoning regulations** to allow a 1,191 s.f. addition to a point 7'6" from the southerly side property line where 15 feet is required and to allow an increase to the building coverage from 11.5% to 19.9% where 15% is the maximum allowed. The hardship is the configuration of the lot and the fact that the property predates the zoning regulations. This Variance is approved based on the plans as submitted dated February 13, 2013; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #13-11 on behalf of Paul Simoneau, 21 Lynn Rd., Ivoryton, RU District requesting a variance to section 61B** to allow a 710 s.f. addition and a 364 s.f. porch to increase the building coverage from 5.9% to 7.66% where 7.5% is the maximum allowed.

Mr. Greenberg stated that this a nonconforming lot and this proposal exceeds coverage by less than 1%. The street is zoned for 2 acre parcels which makes this a nonconforming lot.

MOTION to grant a Variance to **Application #13-11 on behalf of Paul Simoneau, 21 Lynn Rd., Ivoryton, RU District requesting a variance to section 61B** to allow a 710 s.f. addition and a 364 s.f. porch to increase the building coverage from 5.9% to 7.66% where 7.5% is the maximum allowed. The hardship is that the lot is nonconforming and the proposal exceeds coverage by less than 1%. This Variance is approved based on the plans as submitted with the application; **MADE** by P. Greenberg; **SECONDED** by A. Daddona; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Approval of Minutes – Public Hearings and Regular Meeting of April 16, 2013

MOTION to approve the April 16, 2013 meeting Minutes as presented; **MADE** by M. Noto, Demarest; **SECONDED** by P. Greenberg; **No discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Correspondence / New Business:

There was no correspondence.

Adjournment

MOTION made to adjourn the meeting at 9:01 p.m. to the next regularly scheduled meeting to be held on Tuesday, June 18, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by D. Demarest; **No discussion**; **VOTING IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary