

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426**

MINUTES

November 15, 2011 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 15, 2011 at 8:00 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Doug Demarest, Paul Greenberg and Alix Walmsley. Also present, Michael Wells Legal Counsel to the Board and Stella Beaudoin, Recording Secretary.

Mr. Ingersoll called the meeting to order at 8:12 p.m.

Consideration of **Application #11-20 on behalf of Geoff Furtney, property located at 32 Sunset Terrace, Essex, CT Assessor's Tax Map 26 Lot 26, RU District** requesting a Variance of Sections 40D, 40E, 40I.1, 50d and 60B of the Essex Zoning Regulations. This is an application to locate a front porch within the front yard and side yard setbacks and to change the existing roof angles on portions of an existing dwelling and a shed. The shed is ten feet from the side property line where thirty feet is required. The garage is sixteen feet from the same property line.

Geoff Furtney presented. Mr. Furtney stated that he purchased a home that was constructed in 1949.

Mr. Furtney indicated that he wishes to construct a porch that will extend to 8 feet on the front of the house. The house was built very close to the road.

Mr. Furtney presented letters from both neighbors who reside on either side of his house and who are in favor of this proposal. Mr. Furtney stated that he does not intend to enclose the porch. The current entrance will be removed and the roof will be extended out toward the street.

Mr. Ingersoll asked Mr. Furtney if he would accept the stipulation that the porch will not be enclosed and Mr. Furtney agreed.

Mr. Wells stated that the problem with the lot is that it is a trapezoid shape, which presents an issue for a portion of the porch. The proposed lot coverage would be an increase of 2.1%. The current lot coverage is 12.7.

Mr. Ingersoll asked if Commissioners had any questions.

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

David Hyde, Essex resident stated that the front porch would be an ideal use of the infringement on the setback.

Mr. Ingersoll read into the record two letters on behalf of this application; Letters from Alvera Stopke and from Sean Scott. Both letters are in favor of this proposal.

Mr. Ingersoll closed the public portion of this application at 8:23p.m.

Consideration of **Application #11-21 on behalf of David L. Harfst, property located at 52 Foxboro Road, Essex, CT, Assessor's Tax Map 12 Lot 8, RU District** requesting Variances of Sections 40D, 40E, 40I.1 and 50E of the **Essex Zoning Regulations**. This is an application to allow alterations to existing roof lines that are situated within the side setback area.

The applicant is proposing to change two existing roof pitches on part of a single family dwelling and a shed. The proposed construction is within the westerly side yard setback. One roof is on an attached shed and the other roof is over an attached garage. The current lot coverage is at 6.58% where 7.5% is allowed. There will be no increase in lot coverage.

George Penniman, architect for the applicant presented. Mr. Penniman stated that the existing house is on the end of Foxboro Road and it slants down to North Cove. A portion of the existing house goes through the side yard setback. The applicants are taking down most of the existing house but keeping the garage and shed. They propose to rotate the garage 90 degrees. The applicant proposes to change the roof line however the footprint and the height will remain the same.

Mr. Penniman noted that a letter from the neighbors was previously submitted for the file.

Mr. Ingersoll asked if Commissioners 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 the abutting neighbors who are in favor to this proposal.

David Hyde asked the applicant was planning to tear down the existing house. Mr. Penniman agreed that the house was to be torn down.

Mr. Ingersoll closed the public portion of this application at 8:30 p.m.

Consideration of **Application #11-22 on behalf of Hyde-Nichols, LLC, property located at 3 Main Street, Centerbrook, CT Assessor's Map 33 Lot 27 Commercial District**, requesting a variance to section 40D, 40E, 40I.1, 50D and 80c of the Essex Zoning regulations. This is an application to allow alterations to existing roof lines that are situated within the rear setback area.

The applicant proposes to change a roof line on a commercial building. The area of work is within the easterly rear setback area. The current lot coverage is at 20.1% where 15% is allowed. There will be no increase in lot coverage but there may be an increase in cubic feet within the structure.

David Hyde presented on behalf of this application. Neil Nichols and David Hyde own the property that Essex hardware is situated on. The buildings on this property are inside the setback. Mr. Hyde stated that he would like to put a dormered roof over a flat roof on one of the buildings. The current height is 12'9". The peak of the proposed pitch roof in the center will be 6'11" which will make this structure around 20 feet in height.

The hardship associated with this application is that this property is preexisting and nonconforming and has been affected by subsequent changes of the highway taking line. This proposal is well within the height restriction.

Mr. Hyde noted that he has spoken with the abutting neighbors and he indicated that they are all in favor of this proposal.

Mr. Ingersoll asked if Commissioners had any questions.

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

Mr. Ingersoll closed the public portion of this application at 8:37p.m.

Consideration of **Application #11-23 on behalf of Zupan Building Construction for Kim and Matthew Raymond, 1 West Hills Road, Ivoryton, CT, Assessor's Map 36 Lot 15, Rural Residence Multifamily District**, requesting a

variance of Section 62B of the Essex Zoning Regulations. This is an application to add an attached 13' x 14' porch to a single family dwelling thus increasing the lot coverage to 10.69% where 7.5% is the maximum allowed.

The current lot coverage is at 9.89% where 7.5% is allowed. There will be no proposed encroachments of any setback areas. This variance request is for lot coverage only. The proposed porch is 182 s/f in area. The proposed lot coverage would be at 10.69%.

Matthew and Kim Raymond presented. Mr. Raymond stated the he purchased a 3-bedroom ranch in #1 West Hills and the house is situated where the land splits off of the Falls River. The house was built in 1961. The existing roof line in the back has a shallow shed roof. Mr. Raymond noted that has done some renovations, the fascias were rotted off.

Mr. Raymond stated that he plans to get rid of the shed roof over the existing kitchen and put a peak roof on. There is not much backyard on this property; it is mostly comprised of ledge. Behind the kitchen area there is a good deal of ledge. Mr. Raymond stated that he plans to remove the dilapidated landscaping ties and retaining brick and install a screen porch to enjoy outdoor living. Mr. Raymond went on to say that he wants to increase the size using the same roofline and pitch, to fix the shallow shed roof and extend out 14 feet. Mr. Raymond noted that he wishes to increase the footprint in the form of a screen porch.

The house is situated on a corner lot and there is not much of a backyard. The porch will be sided on the bottom with pressure treated flooring and will be comprised of 4 x 4's with screen panels between them. This porch will have doors off the kitchen to enter and possibly two electrical outlets for reading. Mr. Raymond stated that he would be willing to stipulate that this structure will not be used for anything other than outdoor living. The height will not be increased over the existing building. There used to be a patio where the proposed porch is to be situated. This 14' x 13' area space is where the screen porch will be situated. Mr. Raymond noted that everything proposed in this application falls under coverage and would present less than 1% increase.

Mr. Ingersoll asked if Commissioners had any questions.

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

Mr. Ingersoll closed the public portion of this application at 8:47p.m.

DELIBERATION

- **Reconsideration of Application #11-20 on behalf of Geoff Furtney, property located at 32 Sunset Terrace, Essex, CT Assessor's Tax Map 26 Lot 26, RU District** requesting a Variance of Sections 40D, 40E, 40I.1, 50d and 60B of the Essex Zoning Regulations. This is an application to locate a front porch within the front yard and side yard setbacks.

Ms. Walmsley stated that the lot preexisted and predated the zoning regulations. The increase in coverage is minimal.

Mr. Ingersoll stated that this house was built before zoning and is situated on a very small lot by today's standards. The applicant is willing to stipulate that the porch will not be enclosed. The hardship is that the house was built prior to the zoning regulations. The applicant cannot conform with the setbacks and the area coverage has changed since the lot was built, as it is now at 15%. The shape of the lot which is trapezoidal adds to the hardship.

Motion made by Stu Ingersoll to grant a Variance to **Application #11-20 on behalf of Geoff Furtney, property located at 32 Sunset Terrace, Essex, CT Assessor's Tax Map 26 Lot 26, RU District** requesting a Variance of Sections 40D, 40E, 40I.1, 50d and 60B of the Essex Zoning Regulations. This is an application to locate a front porch within the front yard and side yard setbacks. The variance is granted on the basis that the existing house was built prior to zoning and is situated on a small, trapezoidal-shaped lot which makes it nonconforming. The property has pre-existing setbacks and the

proposed porch would have been legal prior to the zoning commission changing the coverage from 15% to 7.5%. The open porch will not be enclosed. This variance is granted in accordance with the plans as received by the Essex Zoning Office on September 19, 2011 and noted as #32 Sunset Terrace.

Motion seconded by Paul Greenberg and passed unanimously. (4-0-0)

- **Reconsideration of Application #11-21 on behalf of David L. Harfst, property located at 52 Foxboro Road, Essex, CT, Assessor's Tax Map 12 Lot 8, RU District requesting Variances of Sections 40D, 40E, 40I.1 and 50E of the Essex Zoning Regulations.** This is an application to allow alterations to existing roof lines that are situated within the side setback area.

Mr. Demarest stated that the only reason for the application is before the ZBA is that the applicant goes over the setback lines. The building is essentially the same with the exception that the ridge line is turned around. There is no increase in coverage and no change in the setback extension.

Motion made by Doug Demarest to grant a Variance to **Application #11-21 on behalf of David L. Harfst, property located at 52 Foxboro Road, Essex, CT, Assessor's Tax Map 12 Lot 8, RU District requesting Variances of Sections 40D, 40E, 40I.1 and 50E of the Essex Zoning Regulations.** This is an application to allow alterations to existing roof lines that are situated within the side setback area. This variance is granted as there is no proposed increase in coverage and there is no proposed change in the setback extension. This variance is granted based in accordance with the drawings as received by the Essex Zoning Office on September 28, 2011 and "prepared by Richard W. Gates, L.S., Property Survey & Topographic survey David Littleton Harfst & Verena Anna-Maria Wiedemann-Harfst, Foxboro Road, Essex, CT on December 8, 2010".

Motion seconded by Paul Greenberg and passed unanimously. (4-0-0)

- **Reconsideration of Application #11-22 on behalf of Hyde-Nichols, LLC, property located at 3 Main Street, Centerbrook, CT Assessor's Map 33 Lot 27 Commercial District,** requesting a variance to section 40D, 40E, 40I.1, 50D and 80c of the Essex Zoning regulations. This is an application to allow alterations to existing roof lines that are situated within the rear setback area.

Mr. Ingersoll stated that the improvement proposed is in the best interest of the property and of the community. By doing away with a flat roof the potential for the roof to collapse is eliminated. The proposed change will add no negative affect to the property. This property is preexisting and nonconforming and it is the Hyde amendment that is being varied. The applicant is not creating space upstairs and not exceeding the height requirement.

Motion made by Stu Ingersoll to grant a Variance to **Application #11-22 on behalf of Hyde-Nichols, LLC, property located at 3 Main Street, Centerbrook, CT Assessor's Map 33 Lot 27 Commercial District,** requesting a variance to section 40D, 40E, 40I.1, 50D and 80c of the Essex Zoning regulations. This is an application to allow alterations to existing roof lines that are situated within the rear setback area. The hardship associated with this application is that this property is preexisting and nonconforming and has been affected by subsequent changes of the highway taking line. This proposal is well within the height and will add no negative impact to the property. The applicant will not create space in the upstairs portion of this building. This variance is granted based in accordance with the drawings as received by the Essex Zoning Office on September 28, 2011.

Motion seconded by Alix Walmsley and passed unanimously. (4-0-0)

- **Reconsideration of Application #11-23 on behalf of Zupan Building Construction for Kim and Matthew Raymond, 1 West Hills Road, Ivoryton, CT, Assessor's Map 36 Lot 15, Rural Residence Multifamily District,** requesting a variance of Section 62B of the Essex Zoning Regulations. This is an application to add an

attached 13' x 14' porch to a single family dwelling thus increasing the lot coverage to 10.69% where 7.5% is the maximum allowed.

It was noted that this application preexists zoning and proposal a minimal increase of less than 1%. This is only a coverage issue.

Motion made by Alix Walmsley to approve a variance for **Application #11-23 on behalf of Zupan Building Construction for Kim and Matthew Raymond, 1 West Hills Road, Ivoryton, CT, Assessor's Map 36 Lot 15, Rural Residence Multifamily District**, requesting a variance of Section 62B of the Essex Zoning Regulations. This is an application to add an attached 13' x 14' porch to a single family dwelling thus increasing the lot coverage to 10.69% where 7.5% is the maximum allowed. This variance is based on the fact that this property pre-exists zoning and there is a minimal increase of less than 1% proposed. This application is for coverage only. This variance is granted in accordance with the plans "for Kim + Matt Raymond on 10/14/2011".

Motion seconded by Doug Demarest and passed unanimously. (4-0-0)

Mr. Ingersoll adjourned the regularly scheduled meeting at 9:00 p.m.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The proceedings of the November 15, 2011 Public Hearing was recorded on 1 card. Please speak with the Essex Zoning Office for further information.