

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Paul Greenberg, Chair
Michael Noto, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members

Al Daddona
W. T. Furgueson
William Veillette

Alternate Members

Ward Feirer
Barbara Sarrantonio
Peter Decker

Unapproved

Minutes

December 15, 2015 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, December 15, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P Greenberg, Chair, M. Noto, W. T. Furgueson, Alternate members, P. Decker, seated for A. Daddona.

Staff:

Stella C. Beaudoin, Recording Clerk
Michael Wells, Esq., Legal Counsel

P. Greenberg called the meeting to order at 7:05pm

- **Application No. 15-21** on behalf of Kurt Smith, 186 Main Street, Ivoryton, CT, Assessor's Map 58, Lot 35, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow four doghouse dormers to be located on the portion of a house that is within the front yard setback area. Also, to allow an addition to the house where the side portion comes to a point 24 feet from a side property line where 30 feet is required, and where a portion comes to a point 34 feet from the front property line where 40 feet is required.

Seated for this proposal were P. Greenberg, M. Noto, W. T. Furgueson, P. Decker.

This is an application to build out four dog house dormers on top of a single family house, for which the front portion of the home is situated within the forty-foot front yard setback area. The dormers are the Phase 1 portion of a project. Phase 2 is a demolition and rebuild of the rear portion of the house. Variances are needed for the new expansion for the areas of the new house that falls within the front and side setbacks.

Kurt Smith presented on behalf of this application. The four dog house dormers will be installed offset from the center of the house so that when the addition is constructed, the dormers will be congruent and will extend upward, one to two feet underneath the roof line adding to the historic character of the house. The hardship associated with this application is that the house predates the zoning regulations and any improvements to this property would be within the setback.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this proposal.

There was no public comment.

There were no letters submitted related to this application.

P. Greenberg closed the public hearing at 7:20 p.m.

- **Application 15-25** on behalf of George Sexton, 44 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-35, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B to locate a 288 square foot shed 11 feet from a side property line where 30 feet is required.

Seated for this proposal were P. Greenberg, M. Noto, W. T. Furgueson, P. Decker.

This is an application to locate a 12' x 24' shed in the side yard to a point 11 feet from the side property line where 30 feet is required.

M. Wells stated that he has represented the applicant, George Sexton and his wife, in another matter, however he did not provide legal representation related to this application, nor have any discussions taken place related to this application.

Presenting on behalf of this application was George Sexton who stated that the hardship associated with this proposal is the topography of the property and the location of the well which makes the proposed location the only area in which to construct the garage.

There was no further comment from the Board.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this proposal.

There was no public comment.

One letter was submitted from Linda and Richard Levine stating no opposition to this proposal.

P. Greenberg closed the public hearing at 7:28 p.m.

- **Application 15-26** on behalf of Jens Hupkau, 25 Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 6, RU District, requesting variances to sections 40C, 40D, 40J, and 61B to build a new single family dwelling to a height of 35 feet, 9 inches where 30 feet is the maximum height allowed.

Seated for this proposal were P. Greenberg, M. Noto, W. T. Furgueson, P. Decker.

This is an application to construct a new single family house. From the existing natural grades the proposed height of the house in the rear would be 35' 9" where 30 feet is the maximum height allowed. The height in front would be 27' 4" from natural grade.

In 2015 the applicant came before the Board for a building height variance which was denied. That proposal was for 39' 6" where 30 feet is maximum. That proposal came before the Board just after the building height in the Gateway District was reduced from 35 to 30 feet.

Presenting on behalf of this application was J. Hupkau who stated that he has redesigned a smaller house from his previous proposal. The way in which the lot is situated, there is a small driveway, and the lot is

sloped with wetlands in the rear of the property. J. Hupkau stated that he encountered difficulty in positioning the house based on the topography of the lot, i.e., slope and wetlands. This is the only location on which the house can be situated. J. Hupkau stated that he has dropped six feet off of the size of the house and lowered the roof line to 27'4", and the current design has optimized the location of the house.

There was no further comment from the Board.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this proposal.

There was no public comment.

There were no letters.

P. Greenberg closed the public hearing at 7:35pm

REGULAR MEETING

- **Application No. 15-21** on behalf of Kurt Smith, 186 Main Street, Ivoryton, CT, Assessor's Map 58, Lot 35, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow four doghouse dormers to be located on the portion of a house that is within the front yard setback area. Also, to allow an addition to the house where the side portion comes to a point 24 feet from a side property line where 30 feet is required, and where a portion comes to a point 34 feet from the front property line where 40 feet is required.

M. Noto stated that this is small piece of property and the house is over 100 years old and any change to the property will be in violation to the zoning regs. The proposal does not add any further violations to the setbacks and because of the nature of the property and the house which predate zoning, this

MOTION to grant a variance to, **Application No. 15-21** on behalf of Kurt Smith, 186 Main Street, Ivoryton, CT, Assessor's Map 58, Lot 35, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow four doghouse dormers to be located on the portion of a house that is within the front yard setback area. Also, to allow an addition to the house where the side portion comes to a point 24 feet from a side property line where 30 feet is required, and where a portion comes to a point 34 feet from the front property line where 40 feet is required. The hardship associated with this proposal is related to the small size of the lot and the house which is 100 years old predates the zoning regulations. Any changes to this property will be in violation of the zoning regulations. The variance is approved in accordance with the plans submitted and limited to the pink shaded area reflected on the plans; **MADE** by M. Noto; **SECONDED** by P. Decker; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

- **Application 15-25** on behalf of George Sexton, 44 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-35, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B to locate a 288 square foot shed 11 feet from a side property line where 30 feet is required.

M. Noto questioned the hardship surrounding the construction of another garage.

M. Wells stated that this proposal does not violate area coverage or height, however it is the proposed location of the structure that requires a variance. Because this is not a coverage issue, the applicant is not

required to comment on need versus want for the construction of the garage. The terrain, the stump dump on site and the topography create a hardship.

M. Noto stated that based on the topography and the restrictions of the land, this is the logical place to install the garage. M. Noto stated that he would be in favor of granting a variance based on the evidence presented related to the hardship, along with the photo shown at this evening's meeting. The applicant will replicate the photos and pass along to J. Budrow, zoning enforcement officer, to be made a part of the file.

MOTION to grant a variance to, **Application 15-25** on behalf of George Sexton, 44 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-35, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B to locate a 288 square foot shed 11 feet from a side property line where 30 feet is required. The hardship associated with this proposal is due to the topography of the property which limits the location of the shed. The variance approved in accordance with the plans submitted and the photos referenced at this evening's meeting which the applicant will provide to the zoning enforcement officer so as to be made a part of this file; **MADE** by P. Decker; **SECONDED** by M. Noto **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

- **Application 15-26** on behalf of Jens Hupkau, 25 Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 6, RU District, requesting variances to sections 40C, 40D, 40J, and 61B to build a new single family dwelling to a height of 35 feet, 9 inches where 30 feet is the maximum height allowed.

W.T. Furgueson stated that due to topo of land the this is the only location on which to place the house.

MOTION to grant a variance to, **Application 15-26** on behalf of Jens Hupkau, 25 Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 6, RU District, requesting variances to sections 40C, 40D, 40J, and 61B to build a new single family dwelling to a height of 35 feet, 9 inches where 30 feet is the maximum height allowed. The hardship associated with this proposal is due to the topography of the land. The variance approved in accordance with the plans submitted; **MADE** by W. T. Furgueson; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

Correspondence and Invoices

There was no correspondence and there were no invoices.

Approval of Minutes – November 17, 2015

MOTION to approve the November 17, 2015 Minutes as presented; **MADE** by P. Greenberg; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

Adjournment

MOTION to adjourn the meeting at 7:46p.m. to the next regularly scheduled meeting to be held on Tuesday, January 19, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **IN FAVOR:** W. T. Furgueson, P. Greenberg, M. Noto, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

Respectfully submitted,

Stella C. Beaudoin, Recording Secretary