

TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*Paul Greenberg, Chair  
Vacancy, Vice Chair*

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

**Regular Members**

*Barbara Sarrantonio  
W. T. Fergusson  
William Veillette  
Ward Feirer*

**Alternate Members**

*Philip J. Beckman  
George Wendell  
Richard Rybak*

**Unapproved**

**MINUTES**  
**January 3, 2017 – Public Hearing and Special Meeting**

The Essex Zoning Board of Appeals conducted a special meeting on Tuesday, January 3, 2017 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were W. Feirer, B. Sarrantonio, W. Veillette. P. Beckman, Alternate and G. Wendell, Alternate seated for W.T. Fergusson, R. Rybak, Alternate seated for P Greenberg.

Staff:

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

B Sarrantonio, called the meeting to order at 7:00pm

**NEW BUSINESS**

- **Election of Officers** – tabled to the January 17, 2017 meeting.
- **Approval of the 2017 Meeting Schedule**

**MOTION** to approve the 2017 meeting schedule as presented; **MADE** by W. Feirer; **SECONDED** by G Wendell; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

**PUBLIC HEARINGS**

- **Application No. 16-33** on behalf of Cathy Craighead, 5 Earl Street, Centerbrook, CT, Assessor's Map 43, Lot 79-1, VR District, requesting a variance to section 40D, 40E, 50D and 60B of the zoning regulations to allow a 24 s.f. expansion of a deck to increase the existing building coverage from 12.4% to 12.6% where 10% is the maximum coverage allowed.

This property is .31 acre in size with a single-family dwelling centrally located on it. This application is seeking to add 24 s.f. to the existing deck in order to square it off and to provide more functional space.

The house is not located within any setbacks but currently places the property at 12.4% building coverage where 10% is the maximum allowed. The proposal is to increase the coverage to 12.6%. This proposal was tabled from the November 15, 2016 meeting.

C Craighead presented on behalf of this proposal stating that she wishes to add onto a small deck on the back of the house, noting that there is no setback encroachment. C Craighead stated that her house is situated on a small lot. The hardship is the fact that the lot which was part of the adjoining property was divided to create an in-law dwelling, creating a small building lot. The lot was created before the inception of the zoning regulations.

B. Sarrantonio asked if anyone wished to speak in favor or in opposition to this application.

There was no public comment.

There were no letters submitted in support or in opposition related to this proposal.

There were no further questions from the Board.

B Sarrantonio closed the Public Hearing at 7:10pm.

- **Application No. 16-34** on behalf of Bret and Amy Zupan, 8 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 3 requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a front porch roof to a point 11 feet from the front property line where 30 feet is required. Also to construct a front dormer on a house already in the front and side setbacks. Also to allow a rear dormer on the rear of the house where the house is within the side setbacks.

Paul Knudsen, carpenter presented on behalf of this proposal. P Knudsen stated that he is not raising, extending or changing the footprint of the house. The house is situated on one of the smallest lots on the street, and the proposed dormers fall within the setback. The hardship surrounds the size of the bedrooms which are almost unusable based on the slope of the ceiling. P. Knudsen stated that by today's building code standard, 70 s.f. of flat ceiling is required, and this structure is currently at 66 s.f. of flat ceiling. This proposal will make the ceiling more conforming to the building code. The concrete, precast front exterior steps are pre-existing.

B. Sarrantonio asked if anyone wished to speak in favor or in opposition to this application.

Sarah Tibbits, 3 Clark Lane stated her support for this proposal as it adds functionality and aesthetic enhancement to the neighborhood.

A letter from Ken and Ergie Conforto, stating support for this proposal.

A letter from the CT Gateway Commission stating no opposition to the granting of a variance.

There were no further questions from the Board.

B Sarrantonio closed the Public Hearing at 7:20pm.

- **Application No. 16-36** on behalf of Michael Belanger, Plains Road, Essex, CT, Assessor's Map 53, Lot 13-1, requesting variances to sections 40C, 40D, 40I.1 and 90E of the zoning regulations to allow a 44' x 50' building to a point 15 feet from a property line where 25 feet is required.

This property located on Plains Road is a flat, vacant, interior lot. The .34-acre property is rectangular in shape. The applicant is requesting to locate a building 15 feet from the front and east side property lines where 25 feet will be required from each line. A text amendment as related to this proposal was recently approved by the Zoning Commission. The text amendment was for the addition of an “Inland Marine Facility” to be allowed within a Limited Industrial District. The Zoning Commission suggested that the properties where the applicant proposed a future marine business be changed from Business District to Limited Industrial District.

As part of his future marine facility, the applicant would like to have a storage building and a compliant location was affected by the Zoning Commission’s request for a zone change. The Business District has 15’ side setbacks. The Limited Industrial District has 25’ side setbacks. Interior lots, all setbacks are side setbacks. The applicant will seek a Special Exception for the actual marine to be allowed.

Michael Belanger presented and stated that he would like to install an inland marina on this property for storage and repair of boats. M. Belanger stated that the hardship surrounding this proposal is that this property was originally zoned in the business district for which there was a 15-foot setback requirement in place. Subsequent to purchasing the property, Mr. Belanger spoke with the zoning commission, and they changed the District on which this property is located to Light Industrial. M Belanger stated that he was not aware that the offsets would be subject to change with the zone change to Light Industrial.

B. Sarrantonio asked if anyone wished to speak in favor or in opposition to this application.

There was no public comment.

There were no letters submitted in support or in opposition related to this proposal.

There were no further questions from the Board.

B Sarrantonio closed the Public Hearing at 7:40pm.

### **SPECIAL MEETING**

- **Application No. 16-33** on behalf of Cathy Craighead, 5 Earl Street, Centerbrook, CT.

It was noted because of the area of the lot and the fact that the lot was created prior to zoning and based on the size of the house, are factors that have created a hardship as related to this proposal.

**MOTION** to approve **Application No. 16-33** on behalf of Cathy Craighead, 5 Earl Street, Centerbrook, CT, Assessor’s Map 43, Lot 79-1, VR District, requesting a variance to section 40D, 40E, 50D and 60B of the zoning regulations to allow a 24 s.f. expansion of a deck to increase the existing building coverage from 12.4% to 12.6% where 10% is the maximum coverage allowed. The hardship is based on the area and size of the house and the lot which pre-exist zoning. This proposal is approved in accordance with the plans as submitted; **MADE** by G Wendell; **SECONDED** by W. Feirer; **IN FAVOR:** B. Sarrantonio, W Feirer, R Rybak, G. Wendell, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-34** on behalf of Bret and Amy Zupan, 8 Maple Avenue, Essex, CT

It was noted that in this proposal the applicant is going up and it is at a height that is allowed within the zoning regulations, and the lot precedes zoning, and the bedrooms are not currently up to building code.

However in this proposal, the bedrooms will become more conforming to the building code. The proposed overhang resolves a safety issue related to the front door.

**MOTION** to approve **Application No. 16-34** on behalf of Bret and Amy Zupan, 8 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 3 requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a front porch roof to a point 11 feet from the front property line where 30 feet is required. Also to construct a front dormer on a house already in the front and side setbacks. Also to allow a rear dormer on the rear of the house where house is within the side setbacks. The hardship is that the lot precedes zoning and the bedrooms which are currently not up to building code will become more conforming to the building code. The proposed overhang resolves a safety issue related to the front door. The Variance is approved in accordance with the plans presented; **MADE** by W Feirer **SECONDED** by W. Veillette; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-36** on behalf of Michael Belanger, Plains Road, Essex, CT.

It was noted that the hardship of the land that was incurred by the applicant unwittingly, placing him in a position to apply for a variance based by the zone change imposed by the Zoning Commission. Hardship was created by the change in the zone and further, the hardship was created by an outside entity which placed the applicant in conflict. The Zoning Commission felt it would be appropriate to have an inland marina in this location and changed the zone accordingly. The use is appropriate. It was noted that this was an unintended consequence on the part of the Zoning Commission. This is not a self-imposed hardship, however one created by an external entity.

**MOTION** to approve a variance **Application No. 16-36** on behalf of Michael Belanger, Plains Road, Essex, CT, Assessor's Map 53, Lot 13-1, requesting variances to sections 40C, 40D, 40I.1 and 90E of the zoning regulations to allow a 44' x 50' building to a point 15 feet from a property line where 25 feet is required based on the hardship to the land of the unintended consequences created by the zone change; **MADE** by R Rybak; **SECONDED** by G Wendell; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

## **OLD BUSINESS**

- Approval of Minutes – November 15, 2016

**MOTION** to approve the November 15, 2016 Meeting Minutes as presented; **MADE** by W Feirer; **SECONDED** by B Sarrantonio; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

## **ADJOURNMENT**

**MOTION** to adjourn the meeting at 8:00 p.m. to the next regularly scheduled meeting which will be held on Tuesday, January 17, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W. Feirer; **SECONDED** by B Sarrantonio **IN FAVOR:** B Sarrantonio, W. Veillette, W. Feirer, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary