

TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

Paul Greenberg, Chair
W. T. Furgueson, Vice Chair
W. Feirer, Secretary

Regular Members

Barbara Sarrantonio
William Veillette

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

January 17, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, January 17, 2017 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P Greenberg, B Sarrantonio, W Feirer, P Beckman, R Rybak. G Wendell joined the meeting at 7:05pm

Staff:

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

P Greenberg called the meeting to order at 7:00pm

PUBLIC HEARINGS

- **Application No. 16-35** on behalf of Susan Paul, 9 Pratt Street, Essex, CT, Assessor's Map 47, Lot 133, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a second story addition to a point 8 feet, 1 inch from a side property line where 25 feet is required.

The property at 9 Pratt Street is a flat lot with a single-family dwelling and a pool house located on it. The property is rectangular in shape and is .21 acre in size. At the September 27, 2016 Special Meeting of the Zoning Board of Appeals, a Variance was granted for the removal of the pool house and the construction of an addition within a side setback area. The hardship associated with that proposal was the elimination of a nonconformity on the rear of the property and the variance was approved for a one-story garage in accordance with the plans presented.

This application is for the construction of a 140 s.f., one-story addition to the second floor of the existing house. The addition would come to a point 8', 1" from the same side property line, as the approved garage. There is no proposed increase in building coverage.

Seated for this proposal were R Rybak, P Beckman, B Sarrantonio, P. Greenberg, W. Veillette. W. Feirer recused himself.

Whitney Huber, Architect presented. W Huber stated that the upper portion of the garage which is proposed to be an extension to the master bedroom, was omitted from the original application. He stated

that a variance was granted for the construction of the garage. W Huber stated that the property owner would like to construct a 10-foot by 14-foot addition on top of the garage. There will be no increase of coverage. W Huber stated that because the lot is so narrow, the only buildable portion on this lot is a 13-foot swath down the middle of the property. The garage has not yet been built.

W Huber stated that the hardship associated with this proposal is the configuration of the property. W Huber stated that the garage was previously approved because of the associated hardship which was that there was no other physical location on which to build, anywhere else on the property. There is a one-story structure in the rear of the property that will be removed and the basis for the previous ZBA approval of the garage was the reduction in the nonconformity. W Huber stated that the property owner is now seeking a variance to build up and the hardship remains with the size and shape of the lot and the limited area in which to build. This proposed addition will be utilized solely for the purpose as an adjunct to the property owner's bedroom.

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

Janet Peckinpaugh, 7 Pratt Street, stated that this proposal will directly impact her property. J Peckinpaugh stated that she was not in opposition to the construction of the garage. However, she is in opposition to the proposed space above the garage. J Peckinpaugh stated that she purchased her property for the light that filters through the bay windows in her home and she noted that with the construction of the proposed structure above the garage, the light coming into her home will be totally obstructed. J. Peckinpaugh stated that this will also serve to devalue her property. She stated that she is not an adversary neighbor to the applicant, however with the second-floor addition so close to the second floor in her home, the light and view will be completely obstructed. J Peckinpaugh stated that she looked around the Village, Main Street and Pratt Street, and she has not found any other structures within 8' 1" of other houses, such as this proposal will be. J. Peckinpaugh stated that this proposal will be 8 feet from her property line.

There was no further public comment.

There was one letter submitted from the Gateway Commission stating no opposition related to this proposal.

There were no further questions from the Board.

P Greenberg closed the Public Hearing at 7:22pm.

REGULAR MEETING

- **Consideration - Application No. 16-35** on behalf of Susan Paul, 9 Pratt Street, Essex, CT,
Assessor's Map 47, Lot 133

B Sarrantonio stated that the homes in this district are substandard. She stated that she is however having difficulty finding the hardship related to this proposal and in view of the fact that, there is no safety issue and that there is an alleged adverse affect on a neighbor, she is not in favor of granting a variance.

P Beckman agreed and stated that the homes in the village are small.

W Veillette stated that he can appreciate the adjoining property owner's concern, however the incoming light will be obstructed but for an hour or two a day in different seasons and he could not see denying a variance to this proposal.

R. Rybak asked Attorney Michael Wells for clarification to the Regulations regarding the justifiable hardship to grant this addition.

Attorney Wells read Section 140G of the Zoning Regulations – Powers and Duties. The Zoning Board of Appeals shall have the following powers and duties: 140G.1. APPEALS. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Agent; and 140G.2. APPLICATION FOR VARIANCE. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the District in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

P Greenberg stated that this proposal might block light for few hours, at certain times but this proposal is to add a structure that is next to an existing structure.

G Wendell stated that when this house was built, and houses along the street were built, there were no regulations in place and the lots were narrower than would have been allowed by current standards.

G Wendell stated that he recognizes that some houses are in difficult situations and that there is very little buildable area on this lot.

MOTION to deny **Application No. 16-35** on behalf of Susan Paul, 9 Pratt Street, Essex, CT, Assessor's Map 47, Lot 133, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a second story addition to a point 8 feet, 1 inch from a side property line where 25 feet is required. This proposal is denied based on lack of hardship and further based on the adverse impact of this proposal on the neighbor; **MADE** by B Sarrantonio; **SECONDED** by P Beckman; **IN FAVOR:** P Greenberg, P Beckman, B. Sarrantonio, R Rybak; **OPPOSED:** W Veillette; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-1.

NEW BUSINESS

- **Election of Officers**

MOTION to; **MADE** by B Sarrantonio to elect P Greenberg, Chair; W. T. Furgueson, Vice Chair; W. Feirer, Secretary; **SECONDED** by P. Beckman; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, P Greenberg, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Approval of the 2017 Meeting Schedule** - voted on at the January 3, 2017 special meeting.

OLD BUSINESS

- **Approval of Minutes – Special Meeting, January 3, 2017**

MOTION to approve the January 3, 2017 Special Meeting Minutes as presented; **MADE** by B Sarrantonio; **SECONDED** by W Veillette; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, P Greenberg, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence

- M. Wells Asked the Board to authorize him, as the Board's legal counsel, to speak with the working group who are amending the zoning regulations, to go over the new proposed regulations prior to

approval. M. Wells stated that if the proposed regulations are adopted as written, the Zoning Board of Appeals would be unnecessary. M Wells stated that his goal in meeting with the working group of the zoning regulations is to make sure that this working group is grasping the full impact of what the changes mean. The next workshop will occur in two weeks.

It was noted that this proposed amendment to the regulations changes the complexion of the Town and to create a zoning situation where you can do nothing from a variance standpoint, is not well thought plan.

MOTION to authorize Attorney Michael Wells to speak to the “working group” who are amending the zoning regulations; **MADE** by W Veillette; **SECONDED** by P. Beckman; **IN FAVOR:** B Sarrantonio, W. Feirer, W. Veillette, P Greenberg, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

ADJOURNMENT

MOTION to adjourn the meeting at 7:50 p.m. to the next regularly scheduled meeting which will be held on Tuesday, February 21, 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. Feirer, W. Veillette, P Greenberg, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary