

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

August 15, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 15, 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Attending Members were Chair, P Greenburg, W. Feirer, B Sarrantonio, W. Veillette, W. T. Furgueson, R. Rybak, Alternate, P Beckman, Alternate and G Wendell, Alternate.

Staff:

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

Audience members: There were 8 audience members

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

MOTION made and seconded to amend the Agenda to move up Applications #17-3 and #17-4 to be heard first; **IN FAVOR:** Greenberg, B Sarrantonio, W Feirer, W Veillette, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

PUBLIC HEARINGS

- **Application 17-13** on behalf of Jerry and Lisa Baczewski, 10 Riverview Street, Essex, CT, Assessor's Map 28, Lot 34, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 26' x 30' detached garage to a point 10 feet from a side property line where 25 feet is required, and to a point 10 feet from a rear property line where 30 feet is required.

Lisa and Jerry Baczewski, along with their project engineer presented on behalf of this proposal. The project engineer stated that the proposed garage will be slightly larger than that of the existing structure and he proposes to move it further back on the property so as to give more room to access the property. The existing garage is currently located 5-10 feet from the property line. The applicant

stated that the hardship lies with the current location of the garage. The change in location will allow the homeowners to take advantage of the parking available.

P Greenberg stated that if this proposal is moved back to the thirty-foot line it would serve to provide the space the applicant is seeking and would not create a nonconformance.

Lisa Baczewski stated that it is a convenience and flow issue and the proposed location would present a more efficient use of the property.

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

There was no public comment.

A letter was received from the CT River Gateway Commission stating no opposition to this proposal.

There were no further questions from the Board.

P Greenberg closed the Public Hearing at 7:10 pm.

- **Application 17-14** on behalf of Ian Neviasher, 18 Book Hill Road, Essex, CT, Assessor's Map 10, Lot 28, RU District, requesting variances to sections 40C, 40D, 40I.1, 50D, and 61B of the zoning regulations to locate a 5' x 5' front porch addition to a point 30 feet from the front property line where 40 feet is required.

The property subject to the application is a slightly sloped lot with a single-family dwelling and two sheds located on it. The property is approximately .59 acre in size and slopes downward to the south. The house is located toward the front of the property in the area of the highest ground level. This application is a request to allow a 5' x 5' front porch roof and partial walled enclosure to come to a point 30 feet from a front property line where 40 feet is required.

I Neviasher presented on behalf of this proposal. I Neviasher stated that the house was built in 1929 and at the time the size of Book Hill Road was half of its current width, and the house subject to this proposal was located close to the road. I Nevasier stated that he would like to add a front porch so as to have a nicer entryway and to also make the front door useable. Currently, the front door opens into the house obstructing the entry to the kitchen and in the winter, the front step turns to a sheet of ice creating a safety hazard. I Nevaier stated that he is looking to cover the portico area so when the front door is opened outward, the stoop area will be sheltered.

M Wells stated that if this application requires a slight change in the coverage, the Board cannot grant a variance this evening based on the way in which this proposal was published in the newspaper.

Members agreed to continue this application proposal to the September 19, 2017 meeting in order for this proposal to be property advertised.

MOTION made and seconded to table discussion to the September 19, 2017 meeting for **Application 17-14** on behalf of Ian Neviasher, 18 Book Hill Road, Essex, CT, Assessor's Map 10, Lot 28, RU District, requesting variances to sections 40C, 40D, 40I.1, 50D, and 61B of the zoning regulations to locate a 5' x 5' front porch addition to a point 30 feet from the front property line where 40 feet is required in

order to properly advertise and publish this application; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 17-8** on behalf of John and Susan Abbott, 151 River Road, Essex, CT, Assessor's Map 2, Lot 3, RRR District, requesting variances to sections 40C, 40D, 40E, 40J, 40R, 50D and 64B of the Essex zoning regulations to allow the demolition of a house and to replace with a new house at 41.87 feet, exceeding the maximum height allowed. Also, to allow a portions of a driveway to exceed 12% grade.

This proposal for the property subject to this application was heard by the Gateway Commission over the course of two meetings and the result was a modified proposal for the demolition of the existing house and the construction of a new house and other associated site improvements.

The applicant proposes to construct a new single-family dwelling at a height of 41.87 feet. The applicant has reduced the height by 5.1 feet. From the front view of the house, the architect stated that the roof line will be lowered approximately 2.5 to 3 feet. The existing house will be demolished and the new structure will be situated in the same location of the existing home, however rotated on its axis and with a larger footprint, with an attached garage. The location of the existing house is conforming to the regulations. This variance request is related to the proposed height of the new house and the regrading of the driveway.

The previous request to allow 15% driveway grade is now 18%. As the proposed house now is being set into the deeper into the terrain, the entry and exit slopes will be at a deeper pitch.

Attorney John Bennet representing the applicant stated that John and Susan Abbott are seeking a height variance with respect to that dimension under the zoning regulations 64B, and with respect to the driveway slope. J Bennet stated that the nonconformities related to this proposal are the height, and he stated that the existing house is 3 full stories. The garage crossing the front setback line will be removed and the driveway slope portions are at 20%. J Bennet stated that the applicant is seeking a variance for 18% grade which is an improvement from the existing, and more conforming. The house has been dropped down into the landscape to bring the height down. J Bennet stated that from the street to the west along River Road the house is slightly under 30 feet in height and he noted that the perspective from River Road lends this as a conforming property.

J Bennet stated that the Zoning Commission will soon amend the regulations bringing the height measurement up to 35 feet and he noted that in meeting with the CT River Gateway Commission they have approved the design with a modification to the height and a landscaping plan was created that lowers the impact to the house. The Gateway Commission further recommended that the house be painted/stained in darker colors.

J Bennet stated that if the totality of this project justifies the granting of a variance insofar as to what is being removed and what is being replaced, as well as the elimination of several nonconformities.

Chad Frost, landscape architect provided additional information related to the roof point, the stock grades on the road and on the height of the wall.

Doug Vanderhorn, architect summarized some of the changes since the inception of this proposal from June 2016 to date, as to the location of the house in relation to the existing driveway, elevations, roof lines and the proposed landscaping.

J Bennet distributed photos of the view from the river of the existing house and the proposed house.

M Wells questioned if the house was constructed to conform in all respects to the height and he questioned the height from the road.

Doug Vanderhorn stated that as it would need to be 12 feet shorter than it currently is, it would be 17'6 feet in height.

M Wells stated that in order to comply with all of the regulations, the applicant would be required to build a house no taller than 17 feet toward the road.

C Frost stated that the hardship associated with this petition is the topography of the land.

M Wells stated if the current grade of the driveway which is at 20% is maintained, it will be proposed at 18%. In order to build a house that conforms in all respects to height, it would be 17.5 feet tall on the River Road side.

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

Patience Schermer representing her father's estate for property located at 156 River Road, which is the abutting property. P Schermer stated that in addition to the objections stated in her letter, irrelevant reduction of nonconformity is not legal justification of hardship nor is the topography of the land.

M Wells stated that a reduction of nonconformities can be considered as replacement for hardship in granting a variance and the topography of the land is considered a hardship when granting a variance.

W. T. Fergusson asked P Schermer if it is the intention of the Estate to sell the house. P Schermer stated that her property has been on the market since July 2016 and this proposal is having an impact on potential buyers who have expressed concern over the subject application potentially impacting the views.

Robert Ruhe on behalf of 156 River Road stating concern that if the slope between 156 River Road and the roofline of the proposed house changes that slope, the view and property value will be dramatically impacted.

P Greenberg stated that there is no view easement in place and he noted that the view from 156 River Road will be impacted somewhat in the middle, however improved from either side.

J Bennet asked the Board to view the totality of the project, the improvements and the deductions in nonconformity and noted that there will be no gross improvements however an overall net improvement, and he stated that the applicant has accommodated the neighbors and they have received support of this proposal from neighbors to the north and to the south side.

There was no further public comment.

Letter submitted from William and Pamela Carlson, 145 River Rd., Essex, in support of this proposal.

Letter submitted from George L. Mayer, 2 Andrews Road, Essex dated August 14, 2018 in support of this proposal.

Letter submitted from Patience Schermer, Executrix to property 156 River Road previously read into the record.

There were no further questions from the Board.

P Greenberg closed the Public Hearing at 8:19pm.

REGULAR MEETING

Discussion and possible decision on applications:

- **Application No. 17-9** on behalf of John and Susan Abbott, 151 River Road, Essex, CT, Assessor's Map 2, Lot 3.

W T Furgueson stated that the applicant went to extraordinary lengths in their design of the house and landscape plan.

MOTION made and seconded to approve a variance for **Application 17-8** on behalf of John and Susan Abbott, 151 River Road, Essex, CT, Assessor's Map 2, Lot 3, RRR District, requesting variances to sections 40C, 40D, 40E, 40J, 40R, 50D and 64B of the Essex zoning regulations to allow the demolition of a house and to replace with a new house that exceeds the maximum height allowed. Also, to allow portions of a driveway to exceed 12% grade. The hardship associated with this proposal is that the property predates zoning along with the difficulty of the property related to the topography. This Variance is conditional with the criteria outlined in the CT River Gateway Commission letter of June 2017. This proposal is approved in accordance with the plans submitted; **IN FAVOR:** P Greenberg, B Sarrantonio, W Feirer, W. T. Furgueson, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 17-13** on behalf of Jerry and Lisa Baczewski, 10 Riverview Street, Essex, CT, Assessor's Map 28, Lot 34.

W Feirer stated that he is having difficulty finding the hardship associated with this proposal.

P Greenberg stated that original garage was built in the side setback and as such he is amenable with the construction of the proposed garage within the side setback, however the proposed location of the new garage within the rear setback creates a nonconformity.

MOTION made and seconded to approve a variance for construction within the ten-foot side setback and to deny a variance to construct within the rear setback for **Application 17-13** on behalf of Jerry and Lisa Baczewski, 10 Riverview Street, Essex, CT, Assessor's Map 28, Lot 34, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 26' x 30' detached garage to a point 10 feet from a side property line where 25 feet is required, and to a point 10 feet from a rear property line where 30 feet is required. **IN FAVOR:** P Greenberg, W. Feirer,

B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

3. New Business

There was no new business.

4. Old Business

There was no old business.

- **Approval of Minutes –Meeting Minutes, July 18, 2017**

MOTION made and seconded to approve the July 18, 2017 Regular Meeting Minutes to reflect the following amendments: 1) W Veillette was not at the July 18th meeting; 2) Motion for approval related to Application 17-12 to include notation that the existing deck was unsafe; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

5. Correspondence and Invoices

There were no invoices and no correspondence.

6. Public Comment

There was no public comment.

7. Adjournment

MOTION made and seconded to adjourn the meeting at 8:30p.m. to the next regularly scheduled meeting which will be held on Tuesday, September 19, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary