

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

September 19, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 19, 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

W T Furgueson called the meeting to order at 7:02pm

PUBLIC HEARINGS

- **Application 17-14** on behalf of Ian Neviaser, 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.

Seated for this application were W. T. Furgueson, W. Veillette, W Feirer, B Sarantonio, G. Wendell.

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. This proposal came before the Board at their August 15, 2017 meeting.

I Neviaser clarified with the ZEO that there are no coverage issues associated with this proposal.

I Neviaser presented on behalf of this proposal and stated that this proposal adds a 5' x 5' front porch/portico 30 feet from the front property line. This proposal remediates a safety issue related to providing shelter from the elements.

W. T Furgueson asked if anyone wished to speak in favor or in opposition to this application.

There was no public comment.

There were no further questions from the Board.

W. T Furgueson closed the Public Hearing at 7:06 pm.

- **Application No. 17-15** on behalf of Robert and Melody Beighau, 45 Westbrook Road, Centerbrook, CT, Assessor's Map 54, Lot 5, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to locate an attached garage addition to a point 21.5 feet from a side property line where 30 feet is required.

Seated for this application were W. T. Furgueson, W. Veillette, W Feirer, B Sarantonio, R Rybak.

Attorney Edward Cassella presented on behalf of this proposal representing the applicants. E Cassella stated that situated on the property which is on east side of Westbrook Road is an 1850's historic home for which an expansion is proposed in the rear portion of the house for the purpose of constructing a garage. There is an historic tree in the area of the buildable land in the rear of the property, however the applicant is looking to maintain the face of the house and preserve the tree.

E Cassella stated that the Health Department requires the installation of a new septic system which is reflected on the plan. The shed which is nonconforming with the side yard is proposed to be removed which creates a reduction of a nonconformity. E Cassella distributed photos of the house and stated that this is a legal, 28,000 s.f. nonconforming lot in the rear/back of the property. The variances requested are related to nonconformities.

Brian Buckley, architect presented. B Buckley stated that the applicant proposes the construction of a two-car garage noting that it is prudent to bring the garage forward two feet to minimize the amount of variances sought. B Buckley noted that it is minor reduction, going from 24 feet to 21 feet. The building is a one and one-half story, cape style structure with a shed dormer off the back, and gable dormer off the front. Laundry facilities will also be added into the rear of the mud room and the proposed stairs from the garage will allow access because first floor is much higher than the driveway.

B Buckley stated that the second-story of the proposed structure does constitute for a bedroom and the new septic system is designed for five bedrooms and the existing house is comprised of 4 bedrooms. B Buckley stated that the applicant is not seeking approval for an in-law apartment however the new septic would meet the requirements of an in-law apartment. There will be no separate exterior entrance and the only access to the second story in the garage would be through the mud room entry.

B Buckley stated that the net increase within the setback including the volume going up would be a little over 250 s.f. additional above what is nonconforming inside the setback and he noted that there is already 55 s.f. that is existing that is inside the rear setback. The shed which is proposed to be demolished is 192 s.f.

E Cassella stated that the southern edge of the proposed garage is 2 feet closer than the existing garage building.

B Buckley stated that the hardship associated with this proposal is the topography of the property and a structure that predates zoning. B Buckley stated that the structure is practically and structurally deficient and as per the building code, the structure would need to be demolished and rebuilt.

E Cassella stated that the narrowness of the lot and the historic nature of the structure create the hardship, and the reduction of a nonconformity which occurs by diminishing the side yard violation of the shed is a basis for granting a variance.

M Wells noted that the reduction of a nonconformity is not the sole basis for hardship however it is offered as mitigation to this proposal.

W. T. Furgueson asked if anyone wished to speak in favor or in opposition to this application.

Roberto Ortiz, 47 Westbrook Road stated his support of this proposal.

There was no further public comment.

There were no further questions from the Board.

W. T. Furgueson closed the Public Hearing at 7:40pm.

REGULAR MEETING

Discussion and possible decision on applications:

- **Application 17-14** on behalf of Ian Neviaser, 18 Book Hill Road, Essex, CT, Assessor's Map 10, Lot 28,

It was noted that the remediation of the front entry safety issue, its proximity to the road and the preexisting location of the house make for the hardship.

MOTION made by W Feirer to approve a variance for **Application 17-14** on behalf of Ian Neviaser, 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 hardship associated with this proposal is the topography of the property, the proximity of the road and the need to create a safe entry; This proposal is approved in accordance with the plans submitted; **SECONDED** by W. Veillette; **IN FAVOR:** B Sarrantonio, W Feirer, W. T. Furgueson, W Veillette G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 17-15** on behalf of Robert and Melody Beighau, 45 Westbrook Road, Centerbrook, CT, Assessor's Map 54, Lot 5

It was noted that this proposal includes the construction of a bonus room with a bathroom, however there is no kitchen facility proposed. A nonconformity will be reduced and the narrowness of the property on which this this historical home is situated creates a hardship.

MOTION made by B Sarrantonio, in view of the elimination of one nonconformity and the increase in the setback nonconformity being minimal, to approve a variance for **Application No. 17-15** on behalf of Robert and Melody Beighau, 45 Westbrook Road, Centerbrook, CT, Assessor's Map 54, Lot 5, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to locate an attached garage addition to a point 21.5 feet from a side property line where 30 feet is required. The proposed location is the most feasible for turn-around capacity and by situating the addition is this location the applicant will save the major, historic tree. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR:** B Sarrantonio, W Feirer, W. T. Furgueson, W Veillette R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

NEW BUSINESS

Robert Doane, P.E. presented on behalf of a previously granted for **Application No. 16-11** on behalf of Stephen R. Cline, Successor Trustee of the E.S.T. Irrevocable Trust, 85Westbrook Road, Essex, CT, Assessor's Map 53, Lot 3, and Map 54, Lot 18, LI District, requesting variances to sections 40D, 40E, 40I.1, 50D and 90E of the zoning regulations to add three building additions that will increase the existing building coverage to 25.5% where 25% is the maximum building coverage allowed. Also, one of the additions would come to a point 19' 7" from a rear property line where 50 feet is required

A Variance was approved on this property on June 21, 2016. R Doane stated that the Variance was based on a plan he presented to the Board and was approved with the following conditions: 1) Grant of Access Easement (access strip that went around the eastern side of the property) is to be recorded in the Essex Land Records; 2) The two lots are to be combined by a consolidating deed which is to be recorded in the Essex Land Records; 3) The additions are to be constructed in accordance with the plans as submitted.

R Doane stated that he would like to modify the previously approved variance and eliminate the easement tied to the Doane airport and rearrange the way in which the addition is situated. R Doane stated that instead of going out to the north and ending up 21 feet form the property line, he would like to rotate the structure and place it against the building on the north side, remaining within the dimensions of the approved variance, creating less of an encroachment. R Doane stated that there is no coverage issue and this proposal will eliminate one of the proposed additions, retain the existing addition and make it slightly wider which will better facilitate the internal needs.

M Wells suggested that the applicant apply for an amendment to the previously granted variance for Application 16-11 noting that this proposal reduces the nonconformity and a hardship associated with the proposal has been demonstrated. R Doane will make Application to the ZBA to amend the previous variance.

OLD BUSINESS

There was no old business.

- **Approval of Minutes –Meeting Minutes, August 15, 2017**

MOTION made by G Wendell to approve the August 15, 2017 Regular Meeting Minutes as presented; **SECONDED** W Feirer; **IN FAVOR:** B Sarrantonio, W Feirer, W. T. Furgueson, W Veillette G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

MOTION made by G Wendell to adjourn the meeting at 7:55.m. to the next regularly scheduled meeting which will be held on Tuesday, October 17, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Veillette; **IN FAVOR:** W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary