

TOWN OF ESSEX
Zoning Board of Appeals

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

Executive Board

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*Philip J. Beckman
George Wendell
Richard Rybak*

Unapproved

MINUTES

October 17, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 17, 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Seated for the meeting were W.T Furgueson, W Veillette, G Wendell, P Beckman, R Rybak.

Staff:

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

Audience members: There were 11 audience members

W. T. Furgueson called the meeting to order at 7:00pm

PUBLIC HEARINGS

- **Application 17-16** on behalf of Mack Lane, LLC, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23, VR District, requesting variances to sections 40C, 40D and 60B of the zoning regulations to locate a 28' x 36' detached garage that will increase building coverage from 6.8% to 12% where 10% is the maximum building coverage allowed.

R Doane who presented on behalf of this proposal stated that the property has been conveyed since submission of the application to Gregory Laviero and Karen McLaughlin.

This is an application to locate a 28' x 36' detached 3-bay garage on the subject property. R Doane stated that the garage meets the height requirements and the proposed location is conforming to the zoning regulations. The proposed building will increase the building coverage to 12% where 10% is the maximum building coverage allowed. The positioning of the house does not allow to construct 3-bay garage without going over the property lines. The applicant is seeking permission to go from the allowed 10% to 12% coverage. R Doane stated that a majority of the adjoining properties exceed the allowed 10% coverage, and the allowance of this proposal is in harmony with the neighborhood. The

property to the south is 18%. The properties across the street are 12%, 13% and 17%, and the property across Mack Lane is 11% excluding the swimming pool, and the property adjoining on Mack Lane is 9%. R Doane stated that the neighboring properties have been able to enjoy a coverage greater than 10% and the applicants are looking to have the same afforded to this property. The property has total area of 19,168 s.f. and this proposal meets all of the setbacks other than the coverage.

R Doane stated the hardship is the size and the shape of the lot which was created prior to zoning, and the location of the house and the inability to place the garage adjacent to the house.

R Doane noted that the access is off of Mack Lane as backing onto South Main creates a safety issue, and the grade is such that it backs away from South Main Street. R Doane stated that to place a garage on the east side does not fit due to the half grade drop and the location of the newly installed septic system. R Doane noted that a detached garage would immediately exceed the side yard setback to the right of the house.

M Wells noted that this proposal would not be out of character with the neighborhood in terms of coverage and in keeping with the neighborhood.

There were no further comments from the Board.

W. T Furgueson read into the record a letter from the Gateway Commission in which it is indicated that it is likely that Gateway would not oppose the granting of the requested project because the garage is located among numerous resident accessory structures. Numerous trees located on eastern property line facing south cove will buffer view of garage to large degree. This determination is based on the height of the garage and appearance of the proposed historic carriage house.

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

Mike Carlucci, Mack Lane stated that he has met with the applicant to discuss this proposal. Mr. Carlucci stated that he was informed that there will be an accessory apartment situated above the garage and expressed concern over the installation of an apartment.

Susan Carlucci Mack stated that her view will be obstructed with the placement of the proposed garage.

Nancy McDonald, 6 Mack Lane abutter to the east of the subject property asked for what purpose the garage would be used and stated that the size of the proposal is excessive.

Mimi Merton, 30 Mack Lane commented on the ground coverage ratio and noted that Essex is an historic, charming village and zoning is in place to preserve the charm and history. M Merton stated that the coverage was recently increased from 7.5% to 10% and this proposal which seeks 12% is excessive and sets precedent.

R Doane stated that a few years ago the coverage was at 15% which was then dropped to 7.5%. The Zoning Commission realized that the 7.5% coverage requirement was stringent and increased the coverage requirement to 10%. R Doane stated that this lot was created prior to the 15% coverage requirement and was in existence when the house was constructed. This proposal is in keeping with the neighborhood and in keeping with the historic development of the Town.

Greg Laviero stated that his intent is to construct a unit that would house 3 cars and noted that he would not live on the property and would like a place to store his vehicles. G Laverio stated that the proposed structure is a carriage house style as opposed to a garage style structure and the third bay will be an extra 120 s.f. and will afford balance to the structure. G Laviero stated that if he does create apartment above the garage it will be utilized for his use on the weekends.

There was no public further public comment.

There were no further questions from the Board.

W. T Furgueson closed the Public Hearing at 7:55 pm.

- **Application No. 17-17** on behalf of Stephen Cline, Successor Trustee, 85 Westbrook Road, Centerbrook, CT, Assessor's Map 53, Lot 3, LI District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 90B of the zoning regulations to locate an addition to a point 24 feet, 4 inches from a rear property line where 50 feet is required.

Seated for this application were W. T. Furgueson, W. Veillette, R Rybak, G Wendell, P Beckman.

This property is situated in the Limited Industrial District. A large commercial building is on the property along with small storage sheds in the rear of the property. The lot is 2.53 acres in size. On June 21, 2016 a Variance was granted (Application No. 16-11) to construct three additions with the northern most addition coming to a point 21 feet from a rear property line where 50 feet is required. This application is to allow for an addition to come to a point 24' 4" from the rear property line where 50 feet is required. The overall plan is for two additions which is a reduction from the three additions originally proposed and approved.

Robert Doane, P.E. presented on behalf of the applicant, Stephen Cline, successor trustee for the irrevocable trust. R Doane stated that this property was granted a variance one year ago with 3 conditons; 1) easement granted around the property, 2) properties be combined and 3) the buildings be constructed in accordance with this plan. R Doane is seeking modification of that approval. The new application brings the structure further away from the property and will combine the lots. The IWWC recently approved a Permit for parking to be added to accommodate the proposed 60 employees and a portion of the parking is within 100 feet of the wetlands. The location of the addition will make this proposal more in conformance. The hardship associated with this proposal remains the same as was a basis for granting a variance in 2016. R Doane stated that he proposed to omit the third addition and is seeking a modification to the 2016 approval and noted that this proposal reduces the nonconformity and a hardship associated with the proposal has been demonstrated.

M Wells suggested that the applicant submit a letter to the Board in which it is stated that the previously granted variance for Application #16-11 is abandoned. The front addition is within the setbacks and the only variance to be granted is the setback from 21' to 24.3'. M Wells stated that the Board has already found the hardship associated with this property which is the shape of the lot and the location of the building.

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

There was no public comment.

There were no further questions from the Board.

There were no letters submitted on behalf of this application.

W. T. Furgueson closed the Public Hearing at 8:10pm.

REGULAR MEETING

Discussion and possible decision on applications:

- **Application 17-16** on behalf of Mack Lane, LLC, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23.

It was noted that the construction of a two-car garage is feasible for this proposal and the third bay is not considered to be "a reasonable use" of the property and there is a lack of hardship associated with this proposal.

MOTION made by W. T. Furgueson to deny a variance for **Application 17-16** on behalf of Mack Lane, LLC, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23, VR District, requesting variances to sections 40C, 40D and 60B of the zoning regulations to locate a 28' x 36' detached garage that will increase building coverage from 6.8% to 12% where 10% is the maximum building coverage allowed; This proposal is denied based on lack of hardship; **SECONDED** by W. Veillette; **IN FAVOR:** P. Beckman, R Rybak, W. T. Furgueson, W Veillette, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 17-17** on behalf of Stephen Cline, Successor Trustee, 85 Westbrook Road, Centerbrook, CT, Assessor's Map 53, Lot 3

MOTION made by P Beckman to approve, **Application No. 17-17** on behalf of Stephen Cline, Successor Trustee, 85 Westbrook Road, Centerbrook, CT, Assessor's Map 53, Lot 3, LI District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 90B of the zoning regulations to locate an addition to a point 24 feet, 4 inches from a rear property line where 50 feet is required. The hardship associated with this proposal is the orientation of the lot and the location of the building. The previously granted variance of June 21, 2016 was abandoned by the applicant and is of no further force and effect. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR:** P. Beckman, R Rybak, W. T. Furgueson, W Veillette, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

NEW BUSINESS

There was no new business.

OLD BUSINESS

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

MOTION made by P Beckman to approve the September, 2017 Regular Meeting Minutes with the following amendments; 1) Page 2, third line to read: "minor increase in side setback encroachment; 2) Page 2: "B Buckley stated, *does not constitute a bedroom*"; **SECONDED** W. T. Furgueson; **IN FAVOR:** R Rybak, P Beckman, 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 R Rybak to adjourn the meeting at 8:20.p.m. to the next regularly scheduled meeting which will be held on Tuesday, November 21, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W. T. Furgueson; **IN FAVOR:** R Rybak, P Beckman, W. Veillette, W T Furgueson, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary