



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 16, 2018 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, January 16, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Seated for the meeting were B Sarrantonio, W Feirer, W. Veillette, R Rybak seated for P Greenberg and G Wendell seated for W. T. Furgueson.

Staff:

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

Audience members: There were 11 audience members

Ward Feirer chaired this evening's meeting which he called to order at 7:00pm

**PUBLIC HEARINGS**

This evening's quorum was comprised of 3 regular members and two seated alternates.

- **Application No. 17-22** on behalf of Jonathan Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a shed.

The subject property which is located at 5 Riverview Street is an isthmus that is flat and rectangular and .63 acre in size. The Applicant proposes an 8' x10' shed that would be three feet from a side property line where 25 feet is required. This property is located within the Gateway buffer where improvements are not allowed. Gateway Commission has submitted a letter permitting the shed.

The Board acknowledged receipt of Application 17-24, and the Public Hearing related to this application will be opened at the February 20, 2018 regularly scheduled Zoning Board of Appeals meeting.

- **Application No. 17-23** on behalf of Charles Robertson, Kings Lane, Essex, CT, Assessor's Map 28, Lot 12-1 to allow a new single-family dwelling and a shed to be constructed on a preexisting substandard parcel and to be built at 13.8% building coverage where 10% is the maximum building coverage allowed. Also, to allow a driveway to be located within 5 feet of the northern side property line.

The subject property which is located on the west side of Kings Lane is situated on a flat, rectangular parcel. The .36 acre in size lot is a valid, nonconforming lot size. The parcel is less than 1/3<sup>rd</sup> the required lot size of 60,000 square feet, but it is not less than 13<sup>rd</sup> the required lot width and therefore does not fall under regulation 40B.

The applicant proposes to construct a house and shed on this property. The proposed building coverage is 13.9% where 10% is the maximum building coverage allowed. The proposed house location is central and does not encroach any setbacks. The shed is nonconforming per regulation 40I.2. The proposed driveway location is to a point one foot from the northern side property line where 5 feet is required.

Attorney John Bennet who presented on behalf of the application stated that the property subject to this application is a preexisting, nonconforming lot and he submitted a property deed for the record. J Bennet stated that Variances are needed for coverage and setback for the driveway which are a function for the size of the lot and he noted that the hardship surrounding this petition is the preexisting nature of the lot which is substandard and the narrowness of the lot which makes it difficult to place the house within the margins of the setbacks.

Robert Doane, P.E. stated that the proposed house has been positioned on the lot to conform with the setback requirement and he noted that it is typical to have a 24' area in front of the garage and ten feet to the rear, for a total of 34 feet. R Doane stated that this property does not have the configuration to allow for that layout and as such Mr. Doane indicated that he is attempting to establish at least 33 feet from the house or the garage to the property line, seeking relief from the 5-foot setback requirement. This proposal is also seeking relief for coverage. R Doane stated that the proposed 2161 s.f. house is in-keeping with the neighborhood and in order to place the proposed house on the property, 13.9% coverage is needed where 10% is allowed. The three-bedroom elevated house proposes to have the garage situated on the first level. The sanitary waste system has been approved by the Health Department and the house will be serviced by public water.

There were no further comments from the Board.

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

Donna Hyde stated that this property has been in her husband's family for many years and they own the larger lot to the west of this proposal. D Hyde stated that she is in favor of this application.

Donna Foote abutting property owner to the south stated that the actual house size will be 2600 s.f. and expressed her concern over the size of the proposed house which will be situated on the small lot.

Strickland Hyde stated that his parents bought the property to the north in 1948 and subsequent to that purchase they purchased the adjoining small lot that is subject to this proposal. S Hyde stated

that this has been a separate piece of property since 1948 and further, has been taxed as a buildable property, and he noted that the rest of the neighborhood has many nonconforming properties.

Meritt Zahner, 52 South Main Street stated that in this proposal the applicant is seeking two variances and M Zahner questioned if there is a better compromise surrounding coverage and setback relief related to this proposal.

R Doane stated that the maximum proposed building is 2,161 s.f. and that number includes the entire structure. R Doane stated that this proposal seeks a variance to go from 1,550 s.f. to 2,161 s.f.

R Doane stated that he looked at the potential to shave four-feet off the property to the north, however to do so would have created a nonconformance to coverage. R Doane stated that as related to the property to the south, one advantage in keeping the proposed driveway on the north side of this property is that it will minimize the impact on the neighborhood. R Doane stated that the gravel drive as is proposed allows for turning radius so as to access the garage and offer functionality.

A brief discussion ensued.

There was no further public comment.

W Feirer read into the record a letter from Strickland Hyde abutter to the rear, who expressed support of this proposal.

W Feirer closed the Public Hearing at 7:56 pm.

- **Application No. 17-24** on behalf of Gregory Laviero and Karen McLaughlin, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23, VR District, requesting variances to sections 45C.1 and 45E.5 of the zoning regulations to allow an accessory apartment on a property that is under the minimum lot size for the district and to locate such a dwelling on the same property where a two-family dwelling exists.

The subject property which is located at 55 South Main Street is a flat lot in a Village Residential District. There is a two-family dwelling located on the property and the existing building coverage is 6.8%. A zoning permit was recently approved for a 22' x 28' detached garage to be located on the property. This garage is smaller than the garage denied by the ZBA in October, 2017.

The applicant proposes an accessory apartment within the upstairs area of the garage which he will utilize as an occasional weekend residence. A special exception is required for this use however per section 45C.1 and 45E.5 an accessory apartment is not allowed on a lot that is smaller than the required lot size of the district or on a property where a multifamily dwelling exists. Regulation 45E.6 states that the owner of the property must live in either the principle building or apartment. The owner would be a part time resident of the apartment and would be required to provide an affidavit at a later date.

Robert Doane, P.E. who presented on behalf of this application stated that the property subject to this proposal was before the Board for the construction of a three-car garage and was denied by the Board in October 2017. R Doane stated that the proposal before the Board this evening is for the construction of a garage that does not exceed the square footage, however the applicant would like to

construct a one-bedroom apartment above the garage. R Doane stated that the structure on the subject property is currently comprised of a six-bedroom, multi family dwelling and R Doane stated that the applicant is willing to reduce to a four-bedroom, multi family dwelling and a single-bedroom owner/occupied dwelling, and in doing so, reducing what is allowed by the zoning regulations.

The Zoning regulations do not allow an accessory apartment to be part of a multi-family dwelling and this proposal seeks a variance from that requirement.

R Doane stated that the house is currently being used as a two-apartment dwelling. The number of bedrooms will change, not the number of apartments.

There were no further comments from the Board.

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

Mike Carlucci, 1 Mack Lane stated that a full-access apartment over the garage would create a permanent residency which creates concerns. M Carlucci questioned if the proposed affidavit of waiver would present the opportunity for a future owner to rent out or sell the one-bedroom space. M Carlucci expressed concern over the change to the character of the neighborhood.

Meritt Zahner, 52 South Main Street, questioned if the subject property is currently approved for a 6-bedroom septic system, which Mr. Doane noted that it is.

Nancy McDonald, 6 Mack Lane expressed concern over the approval of a three-family dwelling in the neighborhood and the change to the aesthetic of Mack Lane.

Michael Wells, legal counsel to the Board stated that if the Board is inclined to grant this proposal, the Board could make it a condition of the variance that it be recorded in the Essex Land Records and a restriction to future property owners. If the restriction is breached, enforcement action can be taken forcing a cease and desist. M Wells stated that the restriction could limit the accessory apartment to occupancy by the owner. M Wells stated that a restriction may also be placed enforcing a maximum 4-bedroom total in the 2 apartments situated in the main building, and one owner-occupied, one bedroom apartment.

Dianna Gregory stated that the property subject to this proposal is situated in an area of one-family homes noting that this is not a multi-family district and asked the Board to review the regulations related to allowance of multi family structures. R Doane stated that proposal reduces the intensity of the development on the property.

There was no further public comment.

There was one letter submitted into the record from the CT River Gateway Commission which states no objection to this proposal.

W Feirer closed the Public Hearing at 8:34 pm.

## **REGULAR MEETING**

Discussion and possible decision on the application:

- **Application No. 17-23** on behalf of Charles Robertson, Kings Lane, Essex, CT, Assessor's Map 28, Lot 12-1

W Veillette stated that this proposal is in conformance with the neighborhood, lot size and house size, and insofar as the driveway proposal, and from functional standpoint, W Veillette stated that he is in favor of this proposal.

It was noted that the placement of the house and placement of the driveway is appropriate.

**MOTION** made by G Wendell to approve a variance for **Application No. 17-23** on behalf of Charles Robertson, Kings Lane, Essex, CT, Assessor's Map 28, Lot 12-1 to allow a new single-family dwelling and a shed to be constructed on a preexisting substandard parcel and to be built at 13.8% building coverage where 10% is the maximum building coverage allowed. Also, to allow a driveway to be located within 5 feet of the northern side property line. The hardship associated with this proposal is that this is a preexisting lot size, and the placement of the driveway closer to the property line is required due to the placement of the house within the setback areas. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR** B Sarrantonio, W. Veillette, R Rybak, G Wendell; **OPPOSED**: W Feirer; **ABSTAINING**: None; **MOTION CARRIED**: 4-1-0.

- **Application No. 17-24** on behalf of Gregory Laviero and Karen McLaughlin, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23.

B Sarrantonio stated that she recused herself from the October 2017 Public Hearing surrounding a variance request related to this property, however in order to make a quorum, B Sarrantonio will remain seated for this proposal.

It was noted that this proposal is a reduction to a nonconformity. There was discussion related to restrictions to the allowance of the accessory apartment and in order to prevent future outside use, a restriction may be placed on the accessory apartment in which owner occupancy will be required.

A lengthy discussion ensued.

**MOTION** made by R Rybak to approve a variance for **Application No. 17-24** on behalf of Gregory Laviero and Karen McLaughlin, 55 South Main Street, Essex, CT, Assessor's Map 46, Lot 23, VR District, requesting variances to sections 45C.1 and 45E.5 of the zoning regulations to allow an accessory apartment on a property that is under the minimum lot size for the district and to locate such a dwelling on the same property where a two-family dwelling exists. Approval of this proposal is conditioned with the following notations: The reduction of bedrooms from 6 to 4 in the main house and the addition of one-bedroom accessory apartment over the garage which is to be restricted to the use by the owner of the property, and the accessory apartment shall not be rented out; In accordance with the plans as submitted; **SECONDED** by W Veillette; **IN FAVOR** B Sarrantonio, W. Veillette, R Rybak; **OPPOSED**: G Wendell; **ABSTAINING**: W Feirer; **MOTION CARRIED**: 3-1-1. **Application Denied.**

## **NEW BUSINESS**

There was no new business.

## **OLD BUSINESS**

- **Approval of Minutes –Meeting Minutes, December 19, 2017**

**MOTION made** by W Feirer to approve the December 19, 2017 Regular Meeting Minutes with the following amendment; Final paragraph last page of the Minutes in the Motion to adjourn “to January 16, 2018”; **SECONDED** B Sarrantonio; **IN FAVOR** B Sarrantonio, W Feirer, W. Vielllette, R Rybak, 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 9:02 p.m. to the next regularly scheduled meeting which will be held on Tuesday, February 20, 2018 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **IN FAVOR** B Sarrantonio, W Feirer, W. Vielllette, R Rybak, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary