



TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

W. T. Furgueson, Chair
B. Sarrantonio, Vice Chair
W. Feirer, Secretary

Regular Members

Philip P. Schaller
Brian Weinstein

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

Minutes
February 19, 2019 – Zoning Board of Appeals

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, February 19, 2019 at 7:00 p.m. in Room B of the Essex Town Hall. Present and seated for the meeting were W. T. Furgueson, W. Feirer, P. Schaller, B. Sarrantonio, G. Wendell, R. Rybak, P. Beckman.

Staff:

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

Audience Members: 5 additional audience members

W. T. Furgueson, Chair called the meeting to order at 7:00 p.m.

1. PUBLIC HEARINGS

Discussion and possible decision on application:

- **Application No. 19-1** on behalf of Patricia Jones, 53 West Hills Road, Ivoryton, CT, Assessor's Map 36, Lot 18, RUM District, requesting variances to sections 40C, 40D, 40I.1 and 62B of the zoning regulations to locate a 10' x 14' shed to a point approximately 8 feet from the front property line where 40 feet is required.

Seated for this proposal were W. T. Furgueson, W. Feirer, P. Schaller, B. Weinstein, R. Rybak.
Barbara Sarrantonio recused herself.

A zoning permit application with a site map for a 10' x 14' shed to be located on the property in the front setback. A property visit by the Essex ZEO confirmed that a variance request was to come before the Board this evening. The road edge is 10 feet from the front property line. The proposed area for

the shed is 8 feet farther away from the road, thus the proposed shed location is 8 feet from a front property line. The hardship is land-based.

Patricia Jones who presented on behalf of this proposal stated that she submitted a zoning permit to Land Use and the ZEO visited the site to determine the location of the shed. P Jones noted that the property is unique in the respect that it fronts two streets. The hardship is land based surrounding a nonconforming lot and the house was built prior to the zoning regulations. P Jones distributed photographs of the property. The shed is constructed and will be installed by Kloter Farms.

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

Barbara Sarrantonio, 45 Falls River Drive, stated her support for this proposal noting that this is an unusual lot comprised of ledge and hill in the back of the property.

There was no further public comment.

There were three letters received on behalf of this application:

- 1) Peter and Catherine Smith, 42 Falls River in support of this proposal.
- 2) Jeffrey and Rosalie Zander, 60 West Hills Road in support of this proposal.
- 3) Ben and Sue Wilde, 52 Falls River Drive in support of this proposal.

There was no further comment from the Board.

The public hearing closed at 7:10 pm.

- **Application No. 19-2** on behalf of Eric Roise, 89 Main Street, Centerbrook, CT, Assessor's Map 43, Map 7, VR District, requesting variances to sections 40D, 40I.1, 50D and 60B of the zoning regulations to locate a deck to a point 15 feet from the side property line where 25 feet is required. Also, to allow the building coverage to increase from 12.3% to 13.9% where 10% building coverage is the maximum allowed.

Seated for this proposal were W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio.

The applicant proposes to add a 240 s.f. rear deck to a point 15 feet from the east side property line where 25 feet is required. Also, the proposal would increase building coverage from the existing 12.3% to 13.9% where 10% is the maximum building coverage allowed.

Eric Roise who presented on behalf of this proposal stated that this property is comprised of a 3-family house and he is renovating a portion of the property. E Roise stated that all the structures on this street predate zoning. The portion of the property to be renovated is a one-level unit and close to grade and the proposed deck will provide handicap accessibility. E Roise stated that the neighbors were notified and have expressed their support of this proposal. The footprint on the house will not be altered, and this proposal is only for the installation of a deck. E Rosie stated that the hardship is

that this proposal is consistent with the neighborhood and the addition of this deck will make the unit handicap accessible.

A brief discussion ensued on the lack of current hardship with notation that a handicap ramp has not been indicated on the plans. E Roise stated that the neighboring properties have constructed decks situated within 15 feet of the property line.

P Beckman stated that the installation of a deck is a reasonable use with a properly identified hardship.

M Wells stated that this property preexists zoning, it is somewhat narrow, and the setback line does impinge on house already. A portion of the deck is outside of the setback and the houses on either side have decks. M Wells stated that if the intent is that this will facilitate handicap access, at some point there should be a ramp shown on the plan. These are points for which the Board may want to offer some guidance and see in an application.

P Schaller stated that if the applicant were to change his proposal, he should reflect on an amended how it can accommodate a handicap guest or resident.

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

E Roise withdrew this application. M Wells suggested that Mr. Roise meet with the ZEO as soon as possible to discuss options.

- **Application No. 19-3** on behalf of Jeffrey Bridges, 69 Lynn Road, Ivoryton, CT, Assessor's Map 60, Lot 60-14-7, RU District, requesting a variance to section 45D.4 to locate an accessory dwelling unit within an existing accessory building that is not a functioning barn or garage.

Seated for this proposal were W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio.

The applicant proposes to locate a new accessory dwelling unit within an existing detached building. Up until December 2018 the building was eligible for a potential accessory dwelling unit. However, a recent text amendment by the Zoning Commission required any existing or proposed accessory building to have a functioning garage or barn function along with the accessory dwelling unit. The impetuous was a concern expressed by the Zoning Commission related to small single-family dwellings popping up and the intent is for the accessory building to have a dual purpose. At 69 Lynn Road the previous owner had a detached garage however converted the garage into a space-type structure. The garage doors were removed. Building permits were issued however there was no zoning permit issued in association with the structure.

The applicant has assigned Geoffrey Cook as an agent on behalf of this application. G Cook stated that he is the General Contractor working with the applicant on this project. The purpose for the variance request is for the allowance to create an in-law apartment on the subject premises. G Cook stated that

the current owners purchased the house one year ago. There was originally a 3-car garage situated adjacent to the house within 5 feet. At some point the 3-car garage was converted into an office by the previous owner and in 2000 the owner moved his business into this space. Permits were issued for the same. The house was marketed with attached accessory use structure as an in-law apartment.

It was noted that because of the changes in the zoning regs which went into effect December 1, 2018, this proposal now requires issuance of a variance in order to move forward with the construction. When the property owner purchased this home, the proposed construction was an approved activity, per the regulations. This proposal involves a preexisting structure, a preexisting use and the hardship surrounds the very recent change in the zoning regulations which now requires the issuance of a variance for this proposal.

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

Hans Dam, 65 Lynn Road stated that in the past there were people living in the accessory structure on the subject property and he sought clarification on what was allowed on the property and clarification on the implications of the issuance of a variance on this property. A brief discussion ensued and it was noted that the accessory apartment was not equipped with heat or other amenities and the Board expressed surprise that there had been previous occupants in that structure.

There was no further public comment.

There was one letter received on behalf of this application:

Brian James Ross, neighbor submitted a letter (via email) in support of this proposal, which G Cook read into the record.

There was no further comment from the Board.

The public hearing closed at 8:02 pm.

2. REGULAR MEETING

MOTION made by W T Furgueson to approve **Application No. 19-1** on behalf of Patricia Jones, 53 West Hills Road, Ivoryton, CT, Assessor's Map 36, Lot 18, RUM District, requesting variances to sections 40C, 40D, 40I.1 and 62B of the zoning regulations to locate a 10' x 14' shed to a point approximately 8 feet from the front property line where 40 feet is required. The hardship associated with this proposal involves the topography of the land and the lack of ability to place the structure anywhere else on the subject property. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

MOTION made by W Feirer to approve **Application No. 19-3** on behalf of Jeffrey Bridges, 69 Lynn Road, Ivoryton, CT, Assessor's Map 60, Lot 60-14-7, RU District, requesting a variance to section 45D.4

to locate an accessory dwelling unit within an existing accessory building that is not a functioning barn or garage. The hardship associated with this proposal involves the change of the zoning regs that created the situation; this is a preexisting structure and preexisting improvements with the structure and the applicant is permitted. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Weinstein; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

3. NEW BUSINESS

There was no new business.

4. OLD BUSINESS

MOTION made by W. T Furgueson to add the review and approval of the September and October 2018 meeting Minutes to the Minutes to this evening's Agenda; **SECONDED** by P Schaller; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Approval of the September 18, 2018 Minutes

MOTION made by W Feirer to approve the September, 18 2018 meeting Minutes with the following amendment: 1) page 4, second paragraph third line to read "At that point in time we had the *entire* yard excavated and the base and topsoil installed for the terrace."; **SECONDED** by W T Furgueson; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Approval of the October 16, 2018 Minutes

MOTION made by W T Furgueson to approve the October 16, 2018 meeting Minutes with the following amendment: 1) Page 2, 5th paragraph, last line to read "*about* 800 s.f."; **SECONDED** by W Feirer; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Approval of the December 18, 2018 Minutes

MOTION made by W Feirer to approve the December 18, 2018 meeting Minutes with following amendments: 1) Page w, last line to read "The existing house *was* built in 1840."; **SECONDED** by W T Furgueson; **IN FAVOR:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 6-0-0.

5. CORRESPONDENCE AND INVOICES

There was no correspondence or submission of invoices.

6. ADJOURNMENT

MOTION made by W Feirer to adjourn the meeting at 8:25p.m.to the next regularly scheduled meeting which will be held on Tuesday, March 19, 2019 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:** W. T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella C Beaudoin
Recording Secretary