



TOWN OF ESSEX
Zoning Board of Appeals

Executive Board
W. T. Furgueson, Chair
W Feirer, Vice Chair
Philip P Schaller, Secretary

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Regular Members
B. Sarrantonio
Philip J Beckman

Alternate Members
George Wendell
Richard Rybak
Susan Feaster

Unapproved

Minutes
October 19, 2021 – Zoning Board of Appeals

1. Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 19, 2021 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom. Members in attendance were WT Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman, G Wendell, R Rybak and S Feaster.

Commission members seated were: W T Furgueson, P Schaller, P Beckman, B Sarrantonio and W Feirer.

Staff present: Carey Duques, Zoning Enforcement Officer, Stella Caione, Recording Clerk and Sylvia Rutkowska, ZBA Legal Counsel.

Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals meeting.

The members of the Essex Zoning Board of Appeals announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

2. Public Hearing

- **Application No. 21-41** on behalf of Coleen K. Hutchinson, **Edgewood Avenue, Ivoryton, CT**, Assessor's Map 56 Lot 28, VR District, requesting variances to sections 40C, 40D, 40E, 50D, 60B, and 110B of the zoning regulations to construct a two

bedroom house to be located 15.7 feet from the front setback where 30 feet is required and a rear setback of 15.8 feet where 30 feet is required and a 2.8 foot setback for the driveway from the rear line where 5 feet is required.

Robert Doane, Engineer and Land Surveyor who presented on behalf of the applicant stated that this property encompasses the corner of Windsor Lane and Edgewood Avenue, and is identified as Map 56, Lot 28. The lot is 24,000 s.f., 55 feet wide, and 430 feet long. This is a corner lot and there is a 30-foot setback to the front yard and a 30-foot setback from the rear yard.

R Doane proposes to place the house 15.8 feet from rear and 15.7 feet from front property line called Windsor Lane. R Doane changed the plan to have the driveway come off of Windsor Lane removing the need for a variance for the driveway. R Doane stated that there is a curve on Windsor Lane that hits the property, and in order for the driveway to be 5 feet from an existing monument Mr. Doane slid the house to the west. This relocation of the driveway also provides a better access to the garage. A review was sent to the health department however the final review is not yet available from the sanitarian. Lot is 430 feet long allowing placement of a well. The house will face Windsor Lane for access for the front of the house. The hardship surrounds the size of the existing lot, and with the topography, the driveway location works better with the revised plan. There is not much that can be done without encroaching on any zoning restriction.

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

Jared Cutler, 15 Edgewood Avenue, expressed concerns about the impact of this proposal on his property value, about potential drainage issues and potential privacy issues. A brief discussion ensued.

There were no letters received on behalf of this application.

There was no further public comment and no further comment from the Board.

MOTION made by W T Furgueson to close the public hearing on **Application No. 21-41** on behalf of Coleen K. Hutchinson, **Edgewood Avenue, Ivoryton**, CT, Assessor's Map 56 Lot 28, VR District, requesting variances to sections 40C, 40D, 40E, 50D, and 60B of the zoning regulations to construct a two bedroom house to be located 15.7 feet from the front setback where 30 feet is required and a rear setback of 15.8 feet where 30 feet is required at 7:32p.m.; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Schaller, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

2. **Regular Meeting**

- **Application No. 21-41** on behalf of Coleen K. Hutchinson, **Edgewood Avenue, Ivoryton**, CT, Assessor's Map 56 Lot 28, VR District

It was noted that in this case, there is no other location on which to situate the house that does not create infringement on the 100-foot upland review area of wetlands or placement of septic and driveway. The homeowner stated that she is willing to create effective landscaping that will mitigate the privacy and view issue concerns, as stated by the neighbor.

Attorney Rutkowska stated that it would not be unreasonable to condition a variance on the requirement of appropriate screening as determined acceptable by the zoning enforcement officer.

It was noted that this is a classic hardship variance. There is no better solution due to the septic, the well placement, etc. The height of the proposed house is 26 feet.

It was suggested that landscaping be installed to help provide privacy.

MOTION made by W T Furgueson to approve a Variance **Application No. 21-41** on behalf of Coleen K. Hutchinson, **Edgewood Avenue, Ivoryton, CT**, Assessor's Map 56 Lot 28, VR District, requesting variances to sections 40C, 40D, 40E, 50D, and 60B of the zoning regulations to construct a two bedroom house to be located 15.7 feet from the front setback where 30 feet is required and a rear setback of 15.8 feet where 30 feet is required. The hardship associated with this proposal is that there are few other available places on which to locate the proposed home and driveway, based on the septic system and the well. The homeowner will make their best efforts to tastefully screen the back of the house in an attempt to mitigate the neighbor's concern. This proposal is approved in accordance with submission of the revised plans dated August 27, 2021 which reflects relocation of the proposed driveway to the Windsor Lane side of the property; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Beckman, W Feirer; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED 4-1-0.**
Discussion: No further discussion.

3. Old Business

Approval of Minutes – September 21, 2021

MOTION made by W T Furgueson to approve the September 21, 2021 Minutes with following amendments: 1) Page 2, 2nd paragraph, first sentence to read, "Justin Wolf, E A Quinn Contractor who presented on behalf of the applicant stated that the forward *edge* of the pool will start between 5 and 10 feet from the property line"; 2) Under Regular Meeting, re Application #21-38, under the second paragraph, it reads: "It was noted that this is the only location on which to situate *to situate* the swimming pool based on the grade." Remove, *to situate*, which is stated twice in that sentence; 3) Notation to be made on each application that applicants were advised that any decisions made at that meeting to grant a variance would require a unanimous vote due to the number of members seated for this meeting, and applicants were presented with the option as to whether or not they wished to proceed; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Schaller, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** **Discussion:** No further discussion.

Correspondence and Invoices

There was no correspondence and there were no invoices.

4. Adjournment

MOTION made by W Feirer to adjourn the meeting at 7:47 pm to the next regularly scheduled meeting which will be held on Tuesday, November 16, 2021 at 7:00 p.m., at the Essex Town Hall, in Meeting Room A, and accessible via online. Refer to Town of Essex website for the Zoom link and related information; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

Respectfully submitted,
Stella A Caione