



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
August 17, 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, August 17, 2021 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom.

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

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. 21-30** on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61 VR District, requesting variances to sections 40C, 40D, 40E 60B of the zoning regulations to construct a deck resulting in a coverage of 13.5% where 10% is allowed.

This application is a continuance from the July 17, 2021 ZBA Meeting to allow the applicant to provide the Board with details and appropriate dimensions. The proposal before the Board this evening is for the addition of a deck to an existing home resulting in an increase in coverage of 13.5% where 10% is allowed. The property subject to this application is 0.55 acres in size and is a square shaped corner lot. The lot has a single-family dwelling built in 1907.

Chris Harpin stated that the hardship associated with this proposal is the lot size, and from an access point, currently there is one existing door on the first floor of the house, which exits to the front of the house. There is no egress from the rear of the house.

There were no previous variance requests.

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

Letters received on behalf of this application: CT River Gateway Commission stated no objection to this proposal.

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. 21-30** on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61 VR District, requesting variances to sections 40C, 40D, 40E 60B of the zoning regulations to construct a deck resulting in a coverage of 13.5% where 10% is allowed; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

- **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50C, 60B, 101E, 103G(4)(A) for the addition of dormers to an existing structure within 100 feet of the CJL and within 19.5 feet of the side property line where 25 feet is required and for the work to occur within the Flood Plain District within a 5-year period without bringing the structure into flood compliance.

Attorney Rutkowska stated that this is being reheard because there were variance requests that were missing from the previous original application. This new proposal has been re-noticed.

This revised application is to add dormers to an existing house located within a flood plain that exceeds the cumulative cost permitted within a 5-year period. Proposed work requires additional variances than those that were specified in the original application. The subject property is the original Mack house on Mack Lane. As such, both its location and configuration predate the Essex Zoning Regulations. The house is located on a trapezoidal shaped lot, and although the lot is .58 acres, a substantial portion of it is covered by a view easement on the south side. On the north side there is a public access which is located between 19.5 and 21.5 feet from the house. Additionally, the dormer is located 2 plus feet in from the side line of the house. As a result, the proposed dormer protrudes into the 25-foot setback area 3.5 feet to less than 2 feet. The entire

dormer will be within the existing footprint of the house, so there is no additional coverage. Further, it will not increase the overall height of the house, which is currently 4 feet less than what is allowed in the regulations. Because there is an intrusion into the air space, a sideline variance is needed.

Due to the historic nature of the house, the head room in the upper level of the house is extremely limited. As is shown on the plans, there are two bedrooms located in this dormer area. However, they are virtually useless, as the headroom starts slightly over 6 feet and immediately tapers down to approximately 3 feet. A height variance is needed because a portion of the dormer is in the setback area.

The subject house was previously sold in November 2013 for \$665,000. It was subsequently renovated in 2016, and in accordance with FEMA regulations the cost of said renovations could not exceed 50% of the value of the structure within 5 years, or it has to be raised to meet the FEMA regulations. The 5-year period terminates at the end of this year, however because of the backlog of construction due to COVID, the applicants will lose their place in the que, which will cause a substantial delay. The approval of the requested variances will make this house more consistent with the other houses in the neighborhood and this proposal will not create a negative effect on any neighboring properties or their values.

Previous variance requests #11-9, withdrawn; #16-9 addition to the north side of the house to a point 12 feet from the side property line and add a detached garage resulting in an increase in coverage to 10.47%, granted.

Attorney Terrance Lomme representing the applicant stated that this proposal to add a dormer within the footprint of the existing house which does not extend the house, does not go outside of the footprint of the house, and does not move closer to the sideline, or further into the setback. The hardship is the configuration of the lot which is an odd shape. The house was built in mid 1700s, predating any zoning regulations. Attorney Lomme stated that this house has remained in its original condition for a long time. The applicant is looking to maintain the original concept of this house and add only a dormer. Attorney Lomme stated that the historical society has confirmed that this structure is considered an historical house. This house is not on the national registry of historical homes. Attorney Lomme stated that this proposal has no impact on the flood zone and no impact on the historical value of the home.

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

Letters received on behalf of this application: CT River Gateway Commission reviewed the proposals and does not have an issue with the proposed dormer.

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

Previous variance requests: ZBA Application # 11-19- Withdrawn; ZBA Application #16-9- addition to the north side of the house to a point 12 feet from the side property line and add a detached garage resulting in an increase in coverage to 10.47% was granted.

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

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. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50C, 60B, 101E, 103G(4)(A) for the addition of dormers to an existing structure within 100 feet of the CJL and within 19.5 feet of the side property line where 25 feet is required and for the work to occur within the Flood Plain District within a 5-year period without bringing the structure into flood compliance; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

- **Application No. 21-35** on behalf of Jaye Stuart, 4 Sheagren Hill Road, Centerbrook, CT, Assessor's Map35 Lot 8, EV District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 61B to install a hip roof over an existing flat roof which is located within the front setback, 2 feet from the front setback where 40 feet is required.

This application is to add a hip roof to an existing flat roof garage located within the front yard setback. Proposed work would be located 24 feet from the front setback where 40 feet is required.

There were no previous variance requests.

Jaye Stuart who presented stated that the house was built in the 1940s and the garage constructed in the 1970s. The garage currently has a flat roof and leaks in several locations. A gable roof proposal was prepared by the applicant's architect accompanied by a rendering of the property. The footprint will not change. J Stuart stated that the preexisting condition of the location of the property creates the hardship. The property is nonconforming and this proposal does not create further nonconformance.

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

Letters received on behalf of this application: CT River Gateway Commission stated no objection to this proposal.

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

MOTION made by W Furgueson to close the public hearing for **Application No. 21-35** on behalf of Jaye Stuart, 4 Sheagren Hill Road, Essex, CT, Assessor's Map35 Lot 8, EV District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 61B to install a hip roof over an existing flat roof which is located within the front setback, 2 feet from the front setback where 40 feet is required; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

- **Application No. 21-36** on behalf of Ryan and Ashley Linares, 37 Laurel Road, Essex, CT Assessor's Map 27, Lot 35, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 60B, for the addition of a dormer to an existing garage currently within a side setback and addition of a front porch resulting in an increase in the lot coverage from 15.27% to 15.82% where 10% is allowed.

The property subject to this application is 0.3 acres in size and is a corner lot. The lot has a single-family dwelling built in 1959.

There were no previous variance requests.

Ryan Linares who presented on behalf of this application stated that he proposes a dormer above the two-car garage to serve as attic and create more head space. The hardship is that the existing garage is in the setback and the dormer will not overhang over the garage. R Linares stated that he would like to relocate staircase to higher elevation as a safety precaution.

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

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

MOTION made by W Furgueson to close the public hearing for **Application No. 21-36** on behalf of Ryan and Ashley Linares, 37 Laurel Road, Essex, CT Assessor's Map 27, Lot 35, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 60B, for the addition of a dormer to an existing garage currently within a side setback and addition of a front porch resulting in an increase in the lot coverage from 15.27% to 15.82% where 10% is allowed; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

- **Application 21-37** on behalf of Patrick Smith, 50 Crosstrees Hill Road, Essex, CT, Assessor's Map 70, Lot 8, VR District, requesting variances to section 101E for the construction of terraced side yard to create a flat area over leaching field and 16' wide steps adjacent to north side of house and terraced garden all located within 100 feet of the coastal jurisdiction line.

This application is to create a terraced area in the side yard within 100 feet of the CJL and 16' wide steps adjacent to the house as well as a terraced garden. Regulations do not allow improvements within 100 feet of the CJL.

The property subject to this proposal is 0.3 acres in size and is a corner lot. The lot has a single-family dwelling built in 1959.

There were no previous variance requests.

Patrick Smith who presented on behalf of this application stated that the hardship is that this proposal is completely within the coastal jurisdiction line.

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

Torrance Dows of CT River Gateway Commission had visited the site with C Duques and did not see any objection to this proposal.

C Duques stated that the IWWC reviewed the application per 140L of the Zoning Regulations and requested the following conditions be placed on the application:

- The silt fence on site shall be properly installed and maintained throughout the project.
- The Land Use Official shall be notified prior to the start of work.
- Additional sedimentation and erosion control shall be onsite and installed if necessary.
- Minimize area of disturbed ground when installing the steps.
- A planting/restoration plan be provided for the area.

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

MOTION made by W Furgueson to close the public hearing for **Application 21-37** on behalf of Patrick Smith, 50 Crosstrees Hill Road, Essex, CT, Assessor's Map 70, Lot 8, VR District, requesting variances to section 101E for the construction of terraced side yard to create a flat area over leaching field and 16' wide steps adjacent to north side of house and terraced garden all located within 100 feet of the coastal jurisdiction line; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

MOTION made by W T Furgueson to re-open the public hearing on **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50C, 60B, 101E, 103G(4)(A) for the addition of dormers to an existing structure within 100 feet of the CJL and within 19.5 feet of the side property line where 25 feet is required and for the work to occur within the Flood Plain District within a 5-year period without bringing the structure into flood compliance; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

It was noted that the existing bedroom to be dormered is not currently compliant with building code, however this proposal will bring it into compliance.

C Duques also stated that the IWWC reviewed the application per 140L of the Zoning Regulations and requested that all demoed material be loaded directly into a dumpster.

MOTION made by W T Furgueson to close the public hearing on **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50C, 60B, 101E, 103G(4)(A) for the addition of dormers to an existing structure within 100 feet of the CJL and within 19.5 feet of the

side property line where 25 feet is required and for the work to occur within the Flood Plain District within a 5-year period without bringing the structure into flood compliance; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

2. Regular Meeting

Application No. 21-30 on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61 VR District.

MOTION made by W T Furgueson to approve a Variance **Application No. 21-30** on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61 VR District, requesting variances to sections 40C, 40D, 40E 60B of the zoning regulations to construct a deck resulting in a coverage of 13.5% where 10% is allowed. The hardship is the lack of access to the back of the property and the expansion is modest. The lot size predates zoning. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Variance **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District.

It was noted that this an historic home that predates zoning. There will be no change in the footprint. According to regulations, the definition of substantial improvement applies to this proposal. This proposal corrects an existing zoning violation by bringing it more into conformity with the building code. The timing issue is exacerbated by COVID situation. The Board is varying 103G(4)(A) to allow addition of dormers plus removing the requirement for elevation of the structure.

MOTION made by P Beckman to approve a Variance **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50C, 60B, 101E, 103G(4)(A) for the addition of dormers to an existing structure within 100 feet of the CJL and within 19.5 feet of the side property line where 25 feet is required and for the work to occur within the Flood Plain District within a 5-year period without bringing the structure into flood compliance. The house will not be raised in accordance with 103G(4)(A). The hardship associated with this proposal is that this nonconforming room will be made to conform with code. The house predates zoning, with a nonconforming lot and improvements will correct existing building violation. This approval includes all of the listed variances in the application. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Variance **Application No. 21-35** on behalf of Jaye Stuart, 4 Sheagren Hill Road, Essex, CT, Assessor's Map35 Lot 8, EV District.

MOTION made by B Sarrantonio to approve a Variance **Application No. 21-35** on behalf of Jaye Stuart, 4 Sheagren Hill Road, Essex, CT, Assessor's Map35 Lot 8, EV District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 61B to install a hip roof over an existing flat roof which is located within the front setback, 2 feet from the front setback where 40 feet is required; The hardship associated with this variance is that the house predates zoning and there will be no proposed change in the footprint; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Variance **Application No. 21-36** on behalf of Ryan and Ashley Linares, 37 Laurel Road, Essex, CT Assessor's Map 27, Lot 35, VR District.

MOTION made by P Schaller to approve a Variance **Application No. 21-36** on behalf of Ryan and Ashley Linares, 37 Laurel Road, Essex, CT Assessor's Map 27, Lot 35, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, 60B, for the addition of a dormer to an existing garage currently within a side setback and addition of a front porch resulting in an increase in the lot coverage from 15.27% to 15.82% where 10% is allowed. This proposal will address a safety issue; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Variance **Application 21-37** on behalf of Patrick Smith, 50 Crosstrees Hill Road, Essex, CT, Assessor's Map 70, Lot 8, VR District.

MOTION made by P Beckman to approve a Variance **Application 21-37** on behalf of Patrick Smith, 50 Crosstrees Hill Road, Essex, CT, Assessor's Map 70, Lot 8, VR District, requesting variances to section 101E for the construction of terraced side yard to create a flat area over leaching field and 16' wide steps adjacent to north side of house and terraced garden all located within 100 feet of the coastal jurisdiction line. The hardship associated with this proposal is that the lot predates zoning and the topography of the land creates a hardship. The retaining wall and flower beds proposed in the plan will mitigate erosion. The applicant will conform to the Inland Wetlands and Watercourses Commission request made at their August 10 2021 meeting; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

3. Old Business

Approval of Minutes – July 20, 2021

MOTION made by W T Furgueson to approve the July 20, 2021 Minutes with following amendments: 1) Page 3, strike, "The proposed structure does not add any width or depth to the existing home." 2) Correct the spelling of applicant's name: Chris *Harpin*; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

4. **Correspondence and Invoices**

There was no correspondence and there were no invoices.

5. **Adjournment**

MOTION made by W T Furgueson to adjourn the meeting at 8:25 pm to the next regularly scheduled meeting which will be held on Tuesday, September 21, 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 Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Respectfully submitted,
Stella A. Caione
Stella A Caione