



TOWN OF ESSEX
Zoning Board of Appeals

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

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Regular Members
B. Sarrantonio
Philip J Beckman

Alternate Members
George Wendell
Richard Rybak
Susan Feaster

Unapproved

Minutes
September 19, 2023 – Zoning Board of Appeals

Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 19, 2023 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 W T Furgueson, W Feirer, P Schaller, R Rybak, G Wendell.

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

W T Furgueson chaired this evening's 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.

1. Public Hearing

- **Application No. 23-10** on behalf of Annelisa Santoro, **54 Main Street Essex, CT**, Assessor's Map 47 Lot 23, WF District, requesting variances of Sections 40D and 101E for patio to be located within 100 feet of the coastal jurisdiction line and the Gateway Buffer Area.
Applicant has withdrawn application.

- **Application No. 23-12** on behalf of One Via Verona, LLC, **147 Main Street Ivoryton, CT**, Assessor's Map 58 Lot 20, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50D, and 60B for reconstruction of an existing garage including expanding the garage to be 20 ft long and 12 ft wide, having a side setback of 16 ft 9 inches where 25 ft is required.

This application requests a variance for constructing a garage 20ft X 12ft which would encroach into the setback. It would be 16.9ft from the side property line where 25ft is required. There was an 18ft X 12ft garage that was pre-existing non-conforming due to its location within the side setbacks. That garage was demolished several weeks ago, and the property owner is asking to rebuild the garage in the same location but slightly larger at 20ft X 12ft.

The property is 0.4 acres and contains a single-family home that was built in 1918. The lot and house are preexisting non-conforming because the lot is undersized, and the house and garage are located within the side setback.

Coverage allowed is 10% or 1,742 sq ft. The house footprint is 732 or 4% coverage. Adding a 360 sq ft garage would add 2% coverage, which is still under the 10% allowed.

Previous Variance requests; None

Seated for this application: W T Furgueson, W Feirer, P Schaller, R Rybak, G Wendell.

Keith Bolles stated that he purchased this house a few months ago, and stated that he would like to rebuild the current 18' garage, increasing the length by another 2', toward the road, so as to accommodate a vehicle. The historic tree on the property will remain intact.

Attorney Royston noted that the tree is part of the landscape and a valid basis for hardship.

Applicant looked to turn the garage; however the topography was prohibitive.

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

There was no further comment from the Board.

MOTION by W T Furgueson to close the public hearing on **Application No. 23-12** on behalf of One Via Verona, LLC, 147 Main Street Ivoryton, CT, Assessor's Map 58 Lot 20, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50D, and 60B for reconstruction of an existing garage including expanding the garage to be 20 ft long and 12 ft wide, having a side setback of 16 ft 9 inches where 25 ft is required, at 7:08pm; **SECONDED** by G Wendell; **IN FAVOR**; W T Furgueson, W Feirer, P Schaller, R Rybak, G Wendell; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED 5-0-0. Discussion**: No further discussion.

- **Application No. 23-13** on behalf of David L. Dick and MaryAlice Godfrey, **22 Main Street Essex, CT**, Assessor's Map 47 Lot 67, EV District, requesting variances of Sections 40D, 40Q for construction of a pool/spa to be located 5 ft of the side yard property line where 20 ft is required.

This application requests a variance for construction of a pool/spa to be located within 5 feet of the side yard property line where 20 ft is required.

The property is 0.2 acres and contains a single-family home that was built in 1775.

Pools/spa do not count towards building coverage.

Gateway has provided comments and does not object to the variance request.

Previous Variance requests; None

Seated for this application: W T Furgueson, W Feirer, R Rybak, P Schaller, P Beckman.

W T Furgueson opened the application.

David Dick who presented stated that this is a request for a variance to place a 10' x 16' splash pool within the 20-foot pool property line setback. The hardship associated with this request is the location of a substantial, flowering Cherry Tree, the largest tree of its type in the State of CT, and it dominates the back of this property. The circumference of the trunk is 19' and the height of the tree is 80' with an extensive canopy. D Dick stated that he would like to place the pool in a location outside of the tree canopy in order to minimize disruption of the root base of the tree. The septic system will be replaced, which will also be outside of the tree canopy, so as to preserve the root base of the tree. This is a 70-foot narrow lot, and remaining outside of the tree canopy, the 20-foot setback makes for a small footprint and limited space. D Dick stated that he will place a fence inside the property around the pool as a safety precaution. The hardship associated with this application is protection of the tree and the narrow lot. D Dick stated that he will plant a natural privacy screen so the pool will not be visible from Main Street, or from the lane. The flange that extends from the water line will abut a stone finishing. The pool can be accessed from 3 sides. The distance from the edge of the pool to the stone will be one foot.

D Dick stated that the property situated at 48 Main Street was granted a variance to 5 feet from the property line in 2015.

A letters submitted on behalf of this proposal from Markham Rollins.

Letter from CT River Gateway Commission stating no objection to this variance request.

D Dick stated that he provided all of the immediate neighbors with a full set of the plans for this proposal, and there was no stated objection.

W T Furgueson asked if anyone wished to speak in favor or opposition to this proposal. There was no comment.

Roger Harris 24 Main Street stated that the plans do show some landscape buffering and would like this incorporated into the variance. Buffer for noise and aesthetics.

MOTION by W T Furgueson to close the public hearing on **Application No. 23-13** on behalf of on behalf of David L. Dick and MaryAlice Godfrey, 22 Main Street Essex, CT, Assessor's Map 47 Lot 67, EV District, requesting variances of Sections 40D, 40Q for construction of a pool/spa to be located 5 ft of the side yard property line where 20 ft is required, at 7:38pm; **SECONDED** by P Schaller; **IN FAVOR** W T Furgueson, W Feirer, P Schaller, R Rybak, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

2. Regular Meeting

- Discussion and Possible Decision on **Application No. 23-12** on behalf of **Application No. 23-12** on behalf of One Via Verona, LLC, 147 Main Street Ivoryton, CT.

MOTION made by G Wendell to approve a variance **Application No. 23-12** on behalf of **Application No. 23-12** on behalf of One Via Verona, LLC, 147 Main Street Ivoryton, CT, Assessor's Map 58 Lot 20, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50D, and 60B for reconstruction of an existing garage including expanding the garage to be 20 ft long and 12 ft wide, having a side setback of 16 ft 9 inches where 25 ft is required. The hardship is the location of the tree, topography and the fact that this is an extremely narrow and deep lot and the area that is close to level is the only location for building. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, R Rybak, G Wendell; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** Motion carried. **Discussion:** No further discussion.

- Discussion and possible decision on variance **Application No. 23-13** on behalf of David L. Dick and MaryAlice Godfrey, 22 Main Street Essex, CT.

MOTION made by G Wendell to approve a variance **Application No. 23-13** on behalf of David L. Dick and MaryAlice Godfrey, 22 Main Street Essex, CT, Assessor's Map 47 Lot 67, EV District, requesting variances of Sections 40D, 40Q for construction of a pool/spa with a maximum water area of 10' x 16' with a flange, to be located 5 ft of the side yard property line where 20 ft is required. The hardship associated with this proposal is to optimize the probable life of the Cherry tree, which is an important consideration. Approval of this proposal is contingent with the following conditions: the landscaping, per the plans submitted with this proposal, must be maintained. A suitable vegetation barrier will be installed, which will grow and be maintained to approximately 5' - 6' and will be maintained at that height, along Meigs Lane, and along Main Street. **SECONDED;** W T Furgueson; **IN FAVOR:** W T Furgueson, G Wendell; **OPPOSED:** P Schaller, W Feirer, R Rybak; **ABSTAINING:** None; **MOTION FAILED; 2-3-0. APPLICATION DENIED.**

3. Old Business

- Approval of Minutes – August 15, 2023

MOTION made by W T Furgueson to approve the August 15, 2023 Minutes as presented;
SECONDED by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, R Rybak; **OPPOSED:** None;
ABSTAINING: G Wendell; **MOTION CARRIED** 4-0-1. **Discussion:** No further discussion.

4. **New Business** – There was no new business.

5. **Correspondence** – There was no correspondence.

6. **Adjournment**

MOTION made by W T Furgueson to adjourn the meeting at 8:11pm to the next regularly scheduled meeting which will be held on Tuesday, October 17, 2023 at 7:00 p.m., at the Essex Town Hall, 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, R Rybak, G Wendell;
OPPOSED: None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Respectfully submitted,

Stella A Caione, Recording Clerk