

Town of Essex - Zoning Board of Appeals

29 West Avenue
Essex, CT 06426

MINUTES Regular Meeting

January 18, 2011

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on January 18, 2011 at 8:00 p.m. in Room A of the Essex Town Hall. Members present were Chair, Stuart Ingersoll, Doug Demarest, Alix Walmsley, W. T. Furgueson and Paul Greenberg. Also in attendance was Michael Wells, Attorney to the Board and Stella Beaudoin, Recording Secretary.

Mr. Ingersoll called the meeting to order at 8:03 p.m.

- a. **Case #10-20** on behalf of **Boris Konstorum, property located at 35 Sunset Terrace, Essex, CT, Assessor's Tax Map 27 Lot 120 VR Zone**, requesting a Variance of Section 40C, 40D, 40E, 40I, 50D and 60B of the Essex Zoning Regulations. This is an application to add two additions to an existing, nonconforming dwelling; each encroaching the side yard setbacks. The rear addition is proposed to be 19 feet from the northeastern side property line where 25 feet is required. The second addition is proposed to be 6 inches from the southwestern side property line where 25 feet is required. The proposed lot coverage would be 15.17%, an increase of 3.23%.

Boris Konstorum presented on behalf of this application. Mr. Konstorum noted that the lot on which his property is situated is extremely narrow, with only 10 feet to the side setback. The driveway consumes almost 10% of the property. Mr. Konstorum indicated that anything on this lot would be nonconforming. Mr. Konstorum stated that he would like to move the carport forward and connect it to the house. He also wishes to add a small addition which will be in compliance with both side setbacks.

Mr. Konstorum stated that he presented a very similar proposal several months ago. At that time the Board members had expressed concerns about this proposal being too close to the neighbor's property line. Members were also concerned about how this proposal would obstruct the neighbor's view. Another concern raised surrounded the issue of an increased fire hazard. Mr. Konstorum stated that this proposal will be constructed using fire retardant materials which will reduce the fire hazard. Mr. Konstorum noted that another concern previously expressed by board members was that the proposed addition might be used as a living room. Mr. Konstorum stated that he would be amenable to a conditional approval stipulating that the garage was to be used for garage-purposes only. Mr. Konstorum indicated that there is no other location on his property on which to place the garage and the addition. The carport is currently visible from the street as will the new proposal. Mr. Konstorum stated that he attempted to make the new design more in keeping with the neighborhood. When this proposal initially came before the ZBA there were three members in favor of granting a Variance with two members opposed. Mr. Konstorum reminded members that the

comments during deliberation reflected a good deal of concern surrounding the impact of this proposal on the neighbors. Mr. Konstorum stated that he has reduced the size of the addition so that the coverage would be under 10%.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition of this application.

Theresa Cagianello, 33 Sunset Terrace, Essex presented. Ms. Cagianello stated that she is the neighbor who would be most affected by this project. Ms. Cagianello noted that Mr. and Mrs. Konstorum have worked diligently to make significant improvements on their property. The proposed structure will not impact Sunset Terrace and Ms. Cagianello remarked that there would be significant improvement to the property and to the neighborhood with the removal of the carport which is an eye sore. Ms. Cagianello went on to say that when she initially complained about the condition of the carport which was peeling, Mr. Konstorum applied a coat of paint to it in an effort to clean it up. Ms. Cagianello stated that removing the carport will not impact her property in terms of the size of her back yard and this structure will enhance the property and the property values. The portion of her house on the side of Ms. Cagianello's property on which the garage and addition will be constructed has only one window which is upstairs and is a window to a small accessory bedroom. As such, her view will not be negatively impacted by this proposal. Mr. Konstorum has also offered to construct a privacy fence along the property line which Ms. Cagianello is in favor of.

John Farr, 37 Sunset Terrace, Essex presented. Mr. Farr stated that he resides on the other side of Mr. Konstorum's property. Mr. Farr stated that he is much less impacted by this proposal however his property will greatly benefit when Mr. Konstorum removes the eye sore of the carport. Mr. Konstorum is the first owner of this property who continually enhances the property. Mr. Farr stated that this proposal will enhance the neighborhood combined with the fact that this proposal will benefit the town by increasing the tax base.

Ellen Farr, 37 Sunset Terrace, Essex, CT presented. Ms. Farr stated that she resides on the other side of Mr. Konstorum's property and recanted that her property would be least impacted however this proposal will greatly enhance the property. Ms. Farr stated that she would welcome these improvements.

Mr. Ingersoll closed the public portion of the meeting at 8:21 p.m.

- b. Case 10-20 on behalf of Salvatore Sapia for Randall & Cynthia Clegg, property located at 16 Hilltop Avenue, Essex, CT, Assessor's Tax Map 46 Lot 54 VR Zone, requesting a Variance of Section 60B of the Essex Zoning Regulations. This is an application to add an addition to an existing attached garage. The addition will expand the lot coverage to 15.2%.**

Randal Clegg, property owner and Sal Sapia, contractor presented. Mr. Clegg stated that the house was built 25 years ago and that Mr. Sapia was the builder. This proposal involves a one bay addition to a two car garage for a total of 284 s/f. This proposal will remain within the current setback lines on the right side of the property. Mr. Clegg stated that he has discussed this proposal with two of the neighbor's who abut on either side and he provided them with a copy of the proposal.

Sal Sapia presented. Mr. Sapia stated that the garage is a saltbox style colonial and will be an architectural blend, and the finished product will be constructed in a pleasing manner which will be in keeping with the neighborhood. This proposal is for a one car bay to be constructed in the new addition and the current structure houses two cars. The total coverage will be 15.2%.

Mr. Sapia noted that the hardship surrounding this application involves the need for another garage for the third car and went on to say that when this house was built the zoning requirement was 15% coverage and now it is at 7.5% and as such the regulations impose a hardship on this proposal.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition of this application.

Mr. Ingersoll presented one letter from Herb Clark, 56 Ingham Hill Road, Essex, CT. In his letter, Mr. Clark stated that he is in favor of this proposal.

Mr. Ingersoll closed the public portion of the meeting at 8:30 p.m.

Deliberation

- **Motion** made by Stu Ingersoll to approve a Variance for **Case #10-20** on behalf of **Boris Konstorum, property located at 35 Sunset Terrace, Essex, CT, Assessor's Tax Map 27 Lot 120 VR Zone**, requesting a Variance of Section 40C, 40D, 40E, 40I, 40I.1, 50D and 60B of the Essex Zoning Regulations. This is an application to add two additions to an existing, nonconforming dwelling; each encroaching the side yard setbacks. The rear addition is proposed to be 19 feet from the northeastern side property line where 25 feet is required. The second addition is proposed to be 6 inches from the southwestern side property line where 25 feet is required. The proposed lot coverage would be 15.17%, an increase of 3.23%. The hardship lies within the fact that this house was built on a substandard lot and there are no regulations that apply to replacing the existing carport which is an eye sore. This is a preexisting, nonconforming lot. This Variance is granted in accordance with the plans as submitted and dated January 18, 2011.

Discussion:

Alix Walmsley stated that this proposal is an entirely reasonable request.

Mr. Demarest noted that there is no hardship surrounding this proposal.

Stu Ingersoll stated that the hardship surrounding this application is that this is a property that is so small and there is nothing that can be done to change that. The removal of the carport which is an eye sore and attaching it to the house which would make it look better and more convenient. Mr. Ingersoll remarked that these enhancements merit the Board's consideration.

Mr. Demarest stated that allowing the applicant to build right up to the property line sets a bad precedent.

Mr. Ingersoll noted that the carport is on the property line now.

Mr. Demarest agreed, however he noted that the carport is not obvious from the street.

Tim Furgueson stated that the only thing that the applicant is requesting is that the building will be moved forward. Based on the neighbor's approval of this proposal, and acknowledgement the aesthetics of the current building, this will do nothing but enhance and improve the property.

Paul Greenberg agreed that this proposal will improve the property.

Mr. Ingersoll noted that the undersized lot is the hardship surrounding this property.

Motion seconded by Alix Walmsley and passed by Stu Ingersoll, Paul Greenberg, W.T. Furgueson and Alix Walmsley in favor. Doug Demarest opposed. Motion carried.

- **Motion** made by Stu Ingersoll to approve a Variance for **Case 10-20** on behalf of **Salvatore Sapia for Randall & Cynthia Clegg, property located at 16 Hilltop Avenue, Essex, CT, Assessor's Tax Map 46 Lot 54 VR Zone**, requesting a Variance of Section 60B of the Essex Zoning Regulations. This is an application to add an addition to an existing attached garage. The Variance is granted based on the hardship which lies within the zoning regulations. The Variance is granted in accordance with the plans received December 28, 2010 and as presented: "Floor Plans, Site Plan; Roderic M. Hartung, Architect, Renovation to the Residence of Cynthia & Randall Clegg, 16 Hilltop Avenue, Essex, CT 06426".

Discussion:

Mr. Ingersoll stated that the only issue for the Board's consideration is the increase in coverage.

Mr. Demarest noted that the applicant is expanding the coverage by 1.5% which is just barely over the previous zoning requirements. Mr. Demarest noted that in view of the fact that this will be one of the many proposals on which a favorable vote was made, this proposal has his approval. Mr. Demarest stated that there is a hardship involved with this proposal and it will be in the best interest of the neighborhood to get the car out of the way.

Mr. Ingersoll noted that the hardship surrounding this proposal is the zoning regulations.

Mr. Furgueson stated that while there is hardship, this proposal for an additional bay for the garage is a matter of personal convenience.

Motion seconded by Alix Walmsley and passed unanimously. Motion carried.

Respectfully submitted

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex Zoning Board of Appeals will be conducted on February 15, 2011.