

Unapproved

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426
essexct.gov**

MINUTES

February 19, 2013 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, February 19, 2013 at 7:35 p.m. in Room A of the Essex Town Hall.

Attending Members:

Stu Ingersoll, Chair
Doug Demarest, Vice Chair
Al Daddona, Regular Member
Michael Noto, Regular Member yes
Lynn Faulstick, Alternate, seated for Paul Greenberg

Absent Members:

W. T. Furgueson
Paul Greenberg

Staff:

Michael Wells, Legal Counsel to the Board

Mr. Demarest called the meeting to order at 7:30 p.m.

Consideration of **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed. Only upward, within the rear setback area. Continued from the January 15, 2013 meeting.

Seated for this application were Doug Demarest, Al Daddona, Michael Noto and Lynn Faulstick.

Mr. Feczko presented. Mr. Feczko stated that he has constructed a dormer on his home in order to raise the roof and add space to the master bath and bedroom. The dormer has been constructed as there was some confusion on Mr. Feczko's behalf surrounding the issuing of a Permit for this project. Mr. Feczko had offered to take down the dormer pending resolution with the neighbors, however in a series of three or so meetings, Mr. Feczko's neighbors have indicated to him that they have no problem with the existing dormer. Mr. Feczko stated that the main concern of the neighbors was the aesthetics of the venting pipe for the furnace. Mr. Feczko resolved that issue by converting the heating system from oil to propane and he removed the flu and chimney pipe. Mr. Feczko commented on a letter that was received in the file from the abutting neighbor, Janis Atkeson.

Mr. Demarest asked if the installation of the propane tank has been accomplished.

Mr. Feczko stated that the propane tank is in place however it has not been connected due to the snow.

Attorney Wells confirmed that the applicant is seeking a Variance for Section 40I.1 of the zoning regulations which states that a structure cannot go up in height in an area that otherwise violates the setback, regardless of the fact that the structure has been in place prior to the zoning regulations.

Mr. Feczko stated that the hardship surrounding this application is the fact that the configuration of the existing dwelling is situated on the lot that predated zoning, and he noted that there will be no change in the footprint. The only way to increase available livable space is to build up.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Jim Rawn submitted for the record, four favorable letters from the surrounding property owners: Janis Atkeson, James Rawn, Marilee McKinnon withdrawing her former objection, Dawn Moulanger withdrawing her previous objection and Ann Jordan, withdrawing her previous objection. Mr. Rawn stated that he is in favor of this application.

Motion to close the Public Hearing on behalf of **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed; only upward, within the rear setback; **MADE** by Michael Noto; **SECONDED** by Al Daddona; No discussion: **VOTING IN FAVOR:** D. Demarest, A. Daddona, L. Faulstick and M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Motion to grant a Variance to **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed; only upward, within the rear setback. The hardship is that the fact that the configuration of the existing dwelling is situated on the lot that predated zoning and that there will be no change in the footprint. The only way to increase available livable space is to build up. This application is approved based on the plans as submitted at the January 15, 2013 meeting. **MADE** by Lynn Faulstick; **SECONDED** by Al Daddona; No discussion: **VOTING IN FAVOR:** D. Demarest, A. Daddona, L. Faulstick and M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Chairman Ingersoll reconvened the Public Hearing. Seated were Stu Ingersoll, Al Daddona, Doug Demarest, Lynn Faulstick and Alix Walmsley.

Consideration of **Application #13-1 on behalf of JMB Properties, LLC**, appealing a decision by the Zoning Enforcement Official to deny a zoning permit for Dunkin' Donuts to

be located at 31-33 Main Street, Centerbrook, as a restaurant. Continued to the March 19, 2013 meeting.

Consideration of **Application.#13-2, C&W Carpentry, LLC on behalf of Priscilla S. Bish, 15 Book Hill Road, Assessor's Map 10, Lot 02, RU District** requesting variances to Sections 40C, 40D, 40I.1, 50D and 61B of the Essex Zoning Regulations to locate a 24' x 48' accessory structure up to 12 feet from the side property line where 30 feet is required.

Al Bish presented on behalf of this application. Mr. Bish stated that there is an existing pool and retaining wall which is situated within the side setback. Mr. Bish wishes to fill in the pool and utilize the area of the retaining wall for a garage. The setback is 17 feet from the side. Mr. Bish stated that he wishes to utilize the existing three retaining walls for the construction of the garage. The retaining walls are poured concrete with pilings planted ten feet into the ground, which is well below the frost line. The topography of the lot prohibits any other location on this property for the construction of the garage and this location is the least obtrusive. Mr. Bish stated that the neighbor's view will not be obstructed.

Mr. Daddona pointed out that the height of the garage is not reflected on the plans and instructed Mr. Bish to obtain that information and update the plans for the file.

Mr. Bish stated that the hardship associated with this application is the sloping topography of the land and the existing retaining wall along with the fact that he is reducing the coverage by removing another building. Mr. Bish stated that four maple trees will be removed in order to construct the garage. Mr. Bish stated that he spoke with the abutting property owners, Mr. Wilson and Mr. Clark and they are in favor of this proposal.

Mr. Daddona stated that there is no evidence in the file that the abutting property owners have been notified. Mr. Bish confirmed that the neighbors were notified and that notification was published in the newspaper. Mr. Bish stated that there will be a gravel floor with no footings.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition of this application. There were no comments from the audience. There were no letters in support or in opposition in the file.

Mr. Ingersoll closed the Public Hearing on this application.

Deliberation

Consideration of **Application.#13-2, C&W Carpentry, LLC on behalf of Priscilla S. Bish, 15 Book Hill Road, Assessor's map 10, Lot 02, RU District** requesting variances to Sections 40C, 40D, 40I.1, 50D and 61B of the Essex Zoning Regulations to locate a 24' x 48' accessory structure up to 12 feet from the side property line where 30 feet is required.

- **Motion** to grant a Variance to **Application.#13-2, C&W Carpentry, LLC on behalf of Priscilla S. Bish, 15 Book Hill Road, Assessor's map 10, Lot 02, RU District** requesting variances to Sections 40C, 40D, 40I.1, 50D and 61B of the Essex Zoning Regulations to locate a 24' x 48' accessory structure up to 12 feet from the side property line where 30 feet is required. The same footprint will be utilized. The hardship is the topography of the land. The applicant is minimizing the effect of the

coverage. A condition of this Variance is contingent on the removal of the existing structure and the height of the building which will not exceed the allowable height limit as per the Essex zoning regulations. This Variance is approved based on the plans as submitted; **MADE** by Alix Walmsley; **SECONDED** by Al Daddona; No discussion: S. Ingersoll, L. Faulstick, A. Daddona, D. Demarest, A. Walmsley; **OPPOSED**: None; **ABSTAINING**: None; **APPROVED**: 5-0-0.

Approval of Minutes – Public Hearings and Regular Meeting of January 15, 2013

- **Motion** to approve the January 15, 2013 meeting Minutes as presented; **MADE** by Lynn Faulstick; **SECONDED** by Alix Walmsley; No discussion: **VOTING IN FAVOR**: S. Ingersoll, L. Faulstick, A. Daddona, D. Demarest, A. Walmsley; **OPPOSED**: None; **ABSTAINING**: None; **APPROVED**: 5-0-0.

Correspondence / New Business:

There was no correspondence.

Adjournment

- **Motion** made to adjourn the meeting at 8:15 p.m. to the next regularly scheduled meeting to be held on Tuesday, March 19, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by Al Daddona; **SECONDED** by Doug Demarest; No discussion: **VOTING IN FAVOR**: S. Ingersoll, L. Faulstick, A. Daddona, D. Demarest, A. Walmsley; **OPPOSED**: None; **ABSTAINING**: None; **APPROVED**: 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary