

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426**

MINUTES

February 21, 2012 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, February 21, 2012 at 8:00 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Doug Demarest, Paul Greenberg, Al Daddona and Alix Walmsley. Also present, Michael Wells Legal Counsel to the Board and Stella Beaudoin, Recording Secretary.

Mr. Ingersoll called the meeting to order at 8:00 p.m.

- Consideration of **Application #12-1 on behalf of Charlene Patrick, property located at 23 Rosewood Lane, Ivoryton, CT Assessor's Map 39 Lot 1-18, RU District** requesting a Variance of Sections 61B of the Essex Zoning Regulations. This is an application to allow an accessory apartment to be located on a property that needs an additional 80,000square feet to add another family dwelling.

Charlene Patrick presented. Ms. Patrick stated that she had previously submitted an application in November 2011 to install a small in-law apartment to her home and on December 20' 2011 the ZBA approved her proposal for an accessory apartment. Ms. Patrick stated that she is here this evening regarding the lot size.

Ms. Patrick stated that she will come back before the Board in March to seek a Variance for the installation of the kitchen. A Commission member questioned why the applicant is also applying for a variance for the kitchen, as it was included in the December 2011 approval for the in-law apartment.

Attorney Wells indicated that the zoning minimum in this RU district is 40,000 s/f and there must be 80,000 s/f to have an accessory apartment. Ms. Patrick has 56,000 s/f and she is seeking a variance of that regulation so that the structure that was built to be an accessory apartment is actually meant to be an accessory apartment.

Ms. Patrick applied for accessory permit which is permitted under the regulations, under certain circumstances. However, there must be 80,000 s/f of land for this type of proposal. Mr. Wells stated that the applicant was approved for a Variance in December for an accessory apartment for the total area of the building, however this proposal is off by 25 s/f. The Board also granted a variance on the setback for the structure with the stipulation that Ms. Patrick remove the portion of the deck that wrapped around the structure. Ms. Patrick then received approval and Permits from the Town.

Mr. Wells noted that the Zoning office discovered that they should have required that the applicant seek a permit for 56,000 s/f as they needed 80,000 s/f to construct the apartment. The original application should have been a request for a variance from 80,000 to 56,000 and with 25 feet on the side of the structure and for the setbacks. Attorney Wells stated that the hardship associated

with this proposal is the error of the Town. Attorney Wells went on to say that Ms. Patrick's application was clear and what the Board granted was clear. That variance was approved to include the apartment.

Mr. Wells informed Ms. Patrick that she does not need to apply for a variance for the kitchen.

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

Mr. Ingersoll closed the public portion of this application at 8:25p.m.

- Consideration of **Application #12-2 on behalf of Jason Bloom, property located at 7 Hickory Lane, Ivoryton, CT Assessor's Tax Map 82 Lot 14, RU District**, requesting a variance of Section 40I.2 of the Essex Zoning Regulations. This is an application to allow an accessory building that is 16 feet, 8 inches in height to be located 5 feet from the rear property line where 15 feet is the maximum allowed height for such building.

Raymond Gosselin presented on behalf of the applicant. Mr. Gosselin stated that this property is comprised of a one acre lot and he is requesting a variance for the outbuilding height. The proposed height is 16'8" inclusive of the slab. The zoning regulations require 15 feet. The additional height is required in order to adequately pitch the roof and to provide additional storage room in the loft. Mr. Gosselin noted that the shed is only twelve feet wide, as proposed.

Mr. Gosselin stated that the hardship associated with this proposal is that his brother-in law who is the applicant has lived in this house for seven years and this space is needed for storage purposes. Mr. Gosselin stated that the only other option is to tear down the existing house and construct a modular home.

Mr. Ingersoll stated that this is a personal request. The approval of a variance is granted based on a legitimate hardship.

Mr. Gosselin stated that the shed structure is a kit shed and it comes configured to certain specifications. If the applicant were to go back to the manufacturer and ask that the roof height be dropped it would cost a good deal more money.

Mr. Ingersoll noted that those reasons stated are a personal hardship.

Mr. Gosselin indicated that the adjoining property owner has an outbuilding which is 2.5 stories. This proposal is proposed to be a little under 2 stories.

Attorney Wells noted that the other option is to move the shed out of the setback. If the building is moved out of the rear setback there will be no requirement for a variance. The rear setback is 30'. And the shed would have to be moved back 25 feet in order for it to be outside of the setback.

Mr. Gosselin asked to have this case continued to the March 2012 meeting

Motion made Stu Ingersoll to continue to the March 20, 2012 regularly scheduled meeting **Application #12-2 on behalf of Jason Bloom, property located at 7 Hickory Lane, Ivoryton, CT Assessor's Tax Map 82 Lot 14, RU District**, requesting a variance of Section 40I.2 of the Essex Zoning Regulations. This is an application to allow an accessory building that is 16 feet, 8 inches in height to be located 5 feet from the rear property line where 15 feet is the maximum allowed height for such building.

Motion seconded by Doug Demarest and passed unanimously 5/0/0.

Deliberation

Motion made by Stu Ingersoll to approve a Variance for **Application #12-1 on behalf of Charlene Patrick, property located at 23 Rosewood Lane, Ivoryton, CT Assessor's Map 39 Lot 1-18, RU District** requesting a Variance of Sections 61B of the Essex Zoning Regulations. This is an application to allow an accessory apartment to be located on a property that needs an additional 80,000 square feet to add another family dwelling.

The Variance is based on the hardship which is the error of the Town of Essex in issuing permits that allowed substantial construction of the accessory apartment to be done.

Motion seconded by Al Daddona and passed unanimously 5/0/0.

Motion made by Stu Ingersoll to amend the 2012 meeting schedule to reflect a start time of 7:30 p.m.

Motion seconded by Doug Demarest and passed unanimously.

The regularly scheduled meeting adjourned at 8:30 p.m.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex ZBA will be conducted on March 20, 2012

The proceedings of the February 21, 2011 Public Hearing was recorded on 1 card. Please speak with the Essex Zoning Office for further information.