

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Paul Greenberg, Chair
Michael Noto, Vice Chair

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Regular Members

Al Daddona
W. T. Furgueson
William Veillette

Alternate Members

Ward Feirer
Barbara Sarrantonio
Peter Decker

MINUTES

May 20, 2014 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 20, 2014 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Michael Noto
W. T. Furgueson
William Veillette
Barbara Sarrantonio
Peter Decker, Alternate was seated for the meeting
Ward Feirer, Alternate was seated for the meeting.

Absent Members:

Paul Greenberg
Al Daddona

Staff:

Stella C. Beaudoin, Recording Clerk

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

1. Public Hearings

An Appeal of an Order by the Zoning Enforcement official by John Finkeldey for property located at 33 Plains Road, Essex, CT, Assessors Map 45 Lot 20.

On January 13, 2014, a cease and desist order was sent to John Finkeldey for the following regulated activities or uses found to be in violation of sections 40A, 40C, 40D, 40E, 40I.1, 40I.2, 50D, 82C, 90E, 121A.1 and 121A.2 of the Essex zoning regulations.

- The unapproved use and existence of a structure as a dwelling unit along with the accessory structure.
- The use of all accessory structures without zoning permits and within side setback areas.

Attorney Terrance Lomme, representing the applicant, submitted a letter for the record dated May 19, 2014 requesting a continuance. Mr. Lomme stated in his letter that he is in process of having a survey prepared which will depict the exact location of the structure.
Mr. Noto opened the Public Hearing on this application.

MOTION to continue the Appeal of an Order by the Zoning Enforcement official by John Finkeldey for property located at 33 Plains Road, Essex, CT, Assessors Map 45 Lot 20 to the June 17, 2014 regularly scheduled meeting; **MADE** by W. Feirer; **SECONDED** by W. T. Furgueson; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-5 on behalf of Doug and Joan Paul, 11 Riverview Street, Essex, Assessor's Map 28 Lot 35, VR District, requesting variances to sections 40D, 40E, 40I.1 50D and 60B of the Essex zoning regulations to allow a second floor addition to be located to a point ten feet from the north side property line where twenty five feet is required and to allow a pergola to be located to a point five feet from the same property line where twenty five feet is required. Also to allow an approximate 336 square foot garage addition to increase the existing building coverage to 14.8% where 7.5% is the maximum building coverage allowed.

The property is .3 acre in size and situated in a VR District. A 1,200 sf single family dwelling with an attached 400 s.f deck is located on the property. The current building coverage is at 12.24% where 7.5% is allowed. This application is comprised of three requests the first is to allow a pergola to be located to a point 4 feet from the side property line where 24 feet is the required setback. Also requested is a second floor expansion to a part of the house that already is located within a side yard setback. There is also a request to allow a two car garage to be located on the property that would increase the building coverage to 24.8% where 7.5% is allowed.

A variance was granted in 2011 to allow a 20 s/f addition to the house that allowed for the existing building coverage. At the 2011 meeting, a two car garage was proposed however the component of the application was withdrawn.

Paul Riggio presented on behalf of the applicant. Mr. Riggio stated that the applicant is seeking approval to build utilizing the existing footprint. Mr. Riggio stated that the hardship surrounds the change in the zoning regulations on coverage from 15% to 7.5%. Mr. Riggio noted that the physical land constraint for construction on such a small lot presents an additional hardship.

Mr. Riggio stated that the applicant wishes to create a storage area in the garage. The second floor will not be expanded beyond the existing footprint, however the height will increase. This application proposes 16.86% for the total coverage. Mr. Riggio stated that the only way to remain within the allowed coverage would be to eliminate the two-car to a one-car garage or to eliminate the deck

Mr. Noto asked for the hardship surrounding the construction of the pergola. Mr. Riggio stated that the applicant is willing to remove the pergola from the proposal.

Mr. Noto received three letters of support, into the record: A letter dated April 11, 2014 from Mara Johnson, 9 Riverview Street, Essex. A letter dated May 14, 2014 from Beverly H. Windatt, 13 Riverview Street. A letter from Caitlyn and Matthew Smith, 14 Riverview Street, Essex.

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

Mr. Noto closed the public hearing.

Application 14-6 on behalf of Kim and Matt Raymond, 1 West Hills Road, Ivoryton, Assessor's Map 36 Lot 15, RUM District, requesting variances to sections 40C, 40D and 62B of the Essex zoning regulations to allow a 120 square foot shed to increase the existing building coverage to 11.16% where 7.5% is the maximum building coverage allowed.

The property is .52 acre in size and is in the VR Multifamily District. A 2,408 sf single family dwelling is located on the property. The current lot coverage is currently at 10.63% where 7.5% is allowed. The existing coverage was allowed by a variance which was granted in November 2011. This proposal is for a 10' x 12' shed to be situated in the rear setback would increase building coverage to 11.16%. The location is allowed as long as the shed does not exceed fifteen feet in height per zoning regulation 40I.2. This proposal is for an increase in building coverage only.

Chris Sullivan, Sullivan and Sons presented. Mr. Sullivan stated that the shed will be 10' x 12' and it will be situated on a stone pad sitting on sonitubes. Mr. Sullivan stated that the configuration of the property and the amount of ledge on the property presents the hardship. Additionally, this is a preexisting subdivision lot with a preexisting house situated on the lot which was constructed prior to the change in the zoning regulations, creates a hardship.

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

Mr. Noto closed the public hearing.

MOTION to re-open the Public Hearing to gain further information on **Application 14-5** on behalf of Doug and Joan Paul, 11 Riverview Street, Essex, Assessor's Map 28 Lot 35, VR District, requesting variances to sections 40D, 40E, 40I.1 50D and 60B of the Essex zoning regulations to allow a second floor addition to be located to a point ten feet from the north side property line where twenty five feet is required and to allow a pergola to be located to a point five feet from the same property line where twenty five feet is required. Also to allow an approximate 336 square foot garage addition to increase the existing building coverage to 14.8% where 7.5% is the maximum building coverage allowed; **MADE** P. Decker; **SECONDED** by W. Feirer; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Mr. Noto closed the public hearing.

2. Regular Meeting/Deliberation

The same members as were seated for the public hearing were seated for the regular meeting.

Mr. Noto stated that he is satisfied with the stated hardship surrounding this application providing that the side yard pergola is eliminated.

Application 14-5 on behalf of Doug and Joan Paul, 11 Riverview Street, Essex, Assessor's Map 28 Lot 35, VR District, requesting variances to sections 40D, 40E, 40I.1 50D and 60B of the Essex zoning regulations to allow a second floor addition to be located to a point ten feet from the north side property line where twenty five feet is required and to allow a pergola to be located to a point five feet from the same property line where twenty five feet is required. Also

to allow an approximate 336 square foot garage addition to increase the existing building coverage to 14.8% where 7.5% is the maximum building coverage allowed

MOTION to grant a variance to **Application 14-5** on behalf of Doug and Joan Paul, 11 Riverview Street, Essex, Assessor's Map 28 Lot 35, VR District, requesting variances to sections 40D, 40E, 40I.1 50D and 60B of the Essex zoning regulations to allow a second floor addition to be located to a point ten feet from the north side property line where twenty five feet is required and to allow a pergola to be located to a point five feet from the same property line where twenty five feet is required. Also to allow an approximate 336 square foot garage addition to increase the existing building coverage to 14.8% where 7.5% is the maximum building coverage allowed. The approval is subject to the removal of the side yard pergola which will bring the proposal back to within a reasonable setback coverage. The fact that this property preexists the change in the coverage limitations as per the Essex Zoning Regulations along with the unusual configuration of the lot are what make for the hardship surrounding this proposal. This variance is granted in accordance with the plans as submitted; **MADE** P. Decker; **SECONDED** by W. Feirer; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-6 on behalf of Kim and Matt Raymond, 1 West Hills Road, Ivoryton, Assessor's Map 36 Lot 15, RUM District, requesting variances to sections 40C, 40D and 62B of the Essex zoning regulations to allow a 120 square foot shed to increase the existing building coverage to 11.16% where 7.5% is the maximum building coverage allowed.

MOTION to grant a variance to **Application 14-6** on behalf of Kim and Matt Raymond, 1 West Hills Road, Ivoryton, Assessor's Map 36 Lot 15, RUM District, requesting variances to sections 40C, 40D and 62B of the Essex zoning regulations to allow a 120 square foot shed to increase the existing building coverage to 11.16% where 7.5% is the maximum building coverage allowed. The hardship associated with this variance is the present coverage limitations as per the Essex Zoning Regulations. This variance is approved in accordance with the plans as submitted. **MADE** by W. Veillette; **SECONDED** by P. Decker; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

3. New Business

-Approval of Minutes – Public Hearings and Regular Meeting March 18, 2013

MOTION to approve of the March, 2014 meeting Minutes as amended at the April 15, 2014 ZBA meeting; **MADE** by W.T. Furgueson ; **SECONDED** by W. Veillette; **IN FAVOR:** M. Noto, P. Decker, W. Veillette, W. Furgueson, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

Barbara Sarrantonio was seated for the purpose of approval of April 15, 2014 Minutes.

The following changes were suggested to the April 15, 2014 Minutes:

Page 1, under members in attendance, correct spelling on Ward *Feirer* and Paul *Greenberg*.

Page 2, on the motion for Application 14-4, “The hardship associated with this variance is the present coverage limitations as per the Essex Zoning Regulations *and the unusual configuration of the lot*”.

MOTION to approve of the April 15, 2014 meeting Minutes as amended; **MADE** by W. Veillette ; **SECONDED** by W. Feirer; **IN FAVOR:** M. Noto, P. Decker, W. Veillette, W. Furgueson, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** W. Feirer; **MOTION CARRIED:** 5-0 1.

4. **Correspondence and Invoices** - There was no correspondence and no invoices

5. **Adjournment**

MOTION made to adjourn the meeting at 8:20 p.m. to the next regularly scheduled meeting to be held on Tuesday, June 17, 2014 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by A. Daddona; **SECONDED** by W. T. Furgueson; **VOTING IN FAVOR:** M. Noto, P. Decker, W. Veillette, W. Furgueson, W. Feirer; **OPPOSED:** **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary