

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426**

MINUTES

December 20, 2011 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, December 20, 2011 at 8:00 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Al Daddona, Doug Demarest, Michael Noto 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 8:02 p.m.

Mr. Ingersoll asked to have to items added to this evening's Agenda. The first is an application for a location for the auto repair business and the business name change. The business is located at **153 Westbrook Road, Assessor's Map 79 Lot 15, Commercial Zone. The applicant is Anthony Bianca and the Owner is Hydration, LLC.** The second item is the addition of the 2012 meeting schedule to the Agenda.

Motion made by Stu Ingersoll to place on the agenda consideration of a business which is located at **153 Westbrook Road, Assessor's Map 79 Lot 15, Commercial Zone. The applicant is Anthony Bianca and the Owner is Hydration, LLC.**

Motion seconded by Michael Noto and passed unanimously (5-0-0).

Motion made by Stu Ingersoll to add to this evening's Agenda the approval of the 2012 meeting schedule.

Motion seconded by Doug Demarest and passed unanimously (5-0-0).

Consideration of **Application #11-24 on behalf of Jane Capellini, property located at 11 Riverview Street, Essex, CT, Assessor's Map 28 Lot 35, VR District** requesting a Variance of Section 60B of the Essex Zoning Regulations. This is an application to add a 4' x 5' addition to the front of a single family dwelling and to add a detached garage onto the property thus increasing the lot coverage to 16.6% where 7.5% is the maximum allowed.

Jane Capellini presented. Ms. Capellini is requesting to relocate a doorway and a 4' x 5' space in order to access an outside room which is currently being used for storage and a laundry room, as well. Ms. Capellini stated that she currently must go outside to enter the laundry room and she would like to be able to access the laundry room from interior of her home. Ms. Capellini is also requesting the construction of a garage which will be used for storage.

Mr. Ingersoll noted that Ms. Capellini currently meets all of the requirements with the exception of the coverage. There is a front entrance to the right of the house which is a separate entrance and is a storage room/mud room. The laundry area is situated in that room. It was noted that if the doorway is moved over a bit to extend the door out four feet across the face of the house the applicant can then access the laundry room from inside the four foot extension.

Ms. Capellini stated that she was told that she did not need an architectural design for the garage. Ms. Capellini noted that the structure will be a 20' x 24', two-bay garage and will not be higher than the existing house. Ms. Capellini was not sure if there will be a second story. The garage will not be attached to the house.

Mr. Ingersoll stated that the Board needs more information on the garage. While the sketch of her proposal does not need to be an architectural plan, there must however be a rough design that shows an elevation.

Ms. Capellini asked to have the storage room approved tonight. She noted that it is getting chilly out and this makes it difficult for her to do her laundry.

Mr. Daddona suggested that the Board postpone this proposal until the design plans are available for review.

Attorney Wells noted although this is one application with two proposals, the Board can consider the approval of the laundry room bump out of the door, and continue the proposal on the garage. Mr. Wells stated that the Board can also postpone consideration of this application as a whole.

Mr. Ingersoll stated that he would rather that the applicant come back next month with one application and plans for both of the proposals.

Mr. Wells stated that the applicant may withdraw the garage portion of the application and come back with the proposal for the garage as a separate application.

Mr. Ingersoll questioned if Ms. Capellini would be required to pay another application fee.

Mr. Wells stated that the Board has the authority to waive the application fee.

Ms. Capellini stated that based on the information she was provided with this evening, she is formally withdrawing without prejudice, the garage portion of this application.

Mr. Ingersoll asked if Commissioners had any further questions.

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

Mr. Ingersoll read into the record a note received by the Land Use office on behalf of this application. The note is from Ms. Virginia Williams of 9 Riverview Street. Ms. Williams called the Land Use office on Monday, December 18, 2011 to say that she would not be in attendance at this evening's public hearing. Ms. Williams noted that her absence is not a statement of her support or objection to this Application.

Mr. Ingersoll closed the public portion of this application at 8:15 p.m.

Consideration of **Application #11-25 on behalf of Charlene Patrick, property located at 23 Rosewood Lane, Ivoryton, CT, Assessor's Map 39, Lot 1-18, RU District requesting Variances of Sections 40C, 40D, 40E, 40I.1, 450D.3 and 61B of the Essex Zoning Regulations.** This is an application to allow alterations to allow an addition to a single family dwelling to be located 20 feet from a side property line where 30 feet is required. This application is also to allow a single family dwelling with 1,976 square feet of total floor area to have an accessory apartment when 2,000 s/f minimum is required.

Charlene Patrick presented on behalf of this application. Ms. Patrick stated that she hopes to install an in-law apartment for her mother, Evelyn Patrick. The house was built in 1999 and the garage was built in 2002. Ms. Patrick stated that this is the only location on which to construct this apartment as there is a big section of ledge behind the house that would require blasting. This side of the existing house where the proposed apartment will be located is completely flat.

Mr. Daddona asked the applicant for a drawing of the proposal.

Ms. Patrick stated that she was advised by the Land Use office that a drawing was not required and that the Board would be satisfied with the measurements of the proposal. Ms. Patrick stated that the apartment will be 30' x 22' and the height

will not exceed the house. The peak of the addition will be below the second story window. It is a single floor design. The well is located halfway toward the garage. The proposed deck is 6' x 6' x 6'.

Mr. Wells stated that the deck has to be inside the setback line. The Board could approve the structure and not the deck.

Al Daddona stated that the Board typically approves an application in accordance with the drawings as submitted. There are no drawings.

Ms. Patrick stated that she was advised that due to the cost, she should not have any plans drawn up until the Variance was granted. Ms. Patrick stated that time is of the essence as her mother will soon be displaced from her current living situation. Ms. Patrick asked if the Board could approve the application with the stipulation that the apartment is a single floor structure. Ms. Patrick stated that if she had known that a plan was required she would have had everything in place. There will be a Cathedral ceiling over the living room area and the kitchen area.

Mr. Wells noted that this is a setback issue. The applicant is under the area coverage which makes this a distinction in that it is a single floor with attic/storage space above.

Mr. Ingersoll asked if Commissioners had any further questions.

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

Mr. Ingersoll read into the record a letter from the abutting neighbors who are in favor to this proposal.

Mr. Ingersoll closed the public portion of this application at 8:36 p.m.

DELIBERATION

- **Reconsideration of Application #11-24 on behalf of Jane Capellini, property located at 11 Riverview Street, Essex, CT, Assessor's Map 28 Lot 35, VR District** requesting a Variance of Section 60B of the Essex Zoning Regulations. This is an application to add a 4' x 5' addition to the front of a single family dwelling and to add a detached garage onto the property thus increasing the lot coverage to 16.6% where 7.5% is the maximum allowed. The application for the garage has been withdrawn this evening by the applicant.

Motion made by Michael Noto to grant a Variance to **Application #11-24 on behalf of Jane Capellini, property located at 11 Riverview Street, Essex, CT, Assessor's Map 28 Lot 35, VR District** requesting a Variance of Section 60B of the Essex Zoning Regulations. This is an application to add a 4' x 5' addition to the front of a single family dwelling and to add a detached garage onto the property thus increasing the lot coverage to 16.6% where 7.5% is the maximum allowed. The portion of this application that addresses the addition of a detached garage has been **withdrawn**. **The variance for the 4' x 5' addition to the front of a single family dwelling is granted** on the basis that this is a very small violation of the zoning regulation. The hardship is that this is a preexisting dwelling and it conformed with the zoning regulations prior to their amendment. This Variance is granted in accordance with the plans as received by the Essex Zoning Office on November 09, 2011.

Motion seconded by Doug Demarest and passed unanimously (5-0-0).

- **Reconsideration of Application #11-21 Application #11-25 on behalf of Charlene Patrick, property located at 23 Rosewood Lane, Ivoryton, CT, Assessor's Map 39, Lot 1-18, RU District requesting Variances of Sections 40C, 40D, 40E, 40I.1, 450D.3 and 61B of the Essex Zoning Regulations.** This is an application to allow alterations to allow an addition to a single family dwelling to be located 20 feet from a side property line where 30 feet is required. This application is also to allow a single family dwelling with 1,976 square feet of total floor area to have an accessory apartment when 2,000 s/f minimum is required.

Mr. Ingersoll noted that this is a situation where there is ledge on one side and a well on the other side of the house. This is the logical place for the addition to be situated. Mr. Ingersoll noted that the hardship is the configuration of the property.

Motion made by Stu Ingersoll to grant a Variance to **Application #11-25 on behalf of Charlene Patrick, property located at 23 Rosewood Lane, Ivoryton, CT, Assessor's Map 39, Lot 1-18, RU District requesting Variances of Sections 40C, 40D, 40E, 40I.1, 450D.3 and 61B of the Essex Zoning Regulations.** This is an application to allow an addition to a single family dwelling to be located 20 feet from a side property line where 30 feet is required. This application is also to allow a single family dwelling with 1,976 square feet of total floor area to have an accessory apartment when 2,000 s/f minimum is required. **A Variance is granted for the proposed accessory apartment which is to be 22' x 30' only, to include one occupied floor.** The addition shall have only one occupied single floor and the ridge line on the addition will be below the existing ridge line of the garage. The hardship is that this is the only location on which the addition can be constructed due to the location of the well, the location of the septic system and the large amount of ledge on the property. This variance is granted based in accordance with the drawings as received by the Essex Zoning Office November 2011.

Motion seconded by and passed unanimously (5-0-0).

Motion made by Doug Demarest to approve the 2012 meeting schedule as submitted.

Motion seconded by Michael Noto and passed unanimously (5-0-0).

- Consideration of the location for the auto repair business and the business name change. The business is located at **153 Westbrook Road, Assessor's Map 79 Lot 15, Commercial Zone. The applicant is Anthony Bianca and the Owner is Hydration, LLC.**

Motion made by Stu Ingersoll to approve the name change for the business located at **153 Westbrook Road, Assessor's Map 79 Lot 15, Commercial Zone. The applicant is Anthony Bianca and the Owner is Hydration, LLC.**

Motion seconded by Doug Demarest and passed unanimously (5-0-0).

Mr. Ingersoll adjourned the regularly scheduled meeting at 8:50 p.m.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The proceedings of the December 20, 2011 Public Hearing was recorded on 1 card. Please speak with the Essex Zoning Office for further information.