

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

*Paul Greenberg, Chair
Michael Noto, Vice Chair*

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members

*Al Daddona
W. T. Furgueson
William Veillette*

Alternate Members

*Ward Feirer
Barbara Sarrantonio
Peter Decker*

Unapproved

MINUTES

April 21, 2015 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, April 21, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg, M. Noto, A. Daddona, P. Decker, W. Veillette, and W. Feirer, seated for W. T. Furgueson. B. Sarrantonio present, however not seated.

Staff:

Stella C. Beaudoin, Recording Clerk
Michael Wells, Esq., Legal Counsel

P. Greenberg called the meeting to order at 7:00pm

- **Application No. 15-1** on behalf of Kevin and Kathleen Duggan, 1 Laurel Road, Essex, CT, Assessor's Map 27, Lot 21, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to expand a portion of a house to a point 22 feet from a front property line where 30 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed.

Seated for Application 15-1 were P. Greenberg, M. Noto, A. Daddona, W. Veillette, W. Feirer. P. Decker recused himself.

Presenting on behalf of this application was Kevin Duggan. This is an application to remove the existing shed and the breezeway in order to construct an addition. K. Duggan stated that the house was built prior to the zoning regulations. When constructing the addition, the applicant stated that he would like to keep the flow going in the same direction as the current lay-out, which is a ranch-style house. There is ledge in the rear property, behind the house. The increase to the coverage is not quite 10.5%, where 10% is allowed. There are two bedrooms in the house and this application proposes to create a third bedroom. Septic approval has been granted. The setback going from 23 to 22.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

A letter from the CT River Gateway Commission in which Torrance Downes, Sr. Planner states that the property is unseen from the river and therefor contribute no visual impact.

P. Greenberg closed the Public Hearing at 7:05p.m.

- **Application No. 15-5** on behalf of Andy Teran, 24 Hemlock Drive, Essex, CT, Assessor's Map 74, Lot 19, RU District, requesting variances to sections 40D, 40E, 50D, 40L.1 and 61B of the Essex zoning regulations to upwardly expand a portion of a house that is located in the rear yard setback area.

Seated for Application 15-5 were P. Greenberg, M. Noto, W. Veillette, P. Decker, and A. Daddona. W. Feirer recused himself.

This application is a request to allow a gabled roof addition to protrude three feet into the rear setback area. No expansion is proposed to the footprint of the house and the roof addition will not protrude farther than the deck below. The rear façade of the house encroaches the rear setback area by inches.

Andy Teran presented on behalf of this application. A. Teran stated that the proposed gable will sit one foot closer to the river and the roofline will be one foot further than the existing roof line. A. Teran stated that the footprint will not be increased. Although the roof is closer to the water, the house will not be closer to the water. The property is nonconforming because it is too close to the water and any improvement will be in violation to the zoning regulations.

M. Wells noted that the applicant is reconfiguring the roof line. There is no proposed height expansion. There is no change in the footprint. There is no expansion of the house. The hardship associated with this application is that the house pre-existed the zoning regulation and any improvement is not allowed under the existing zoning regulations.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

A letter from the CT River Gateway Commission in which Torrance Downes, Sr. Planner suggests that any new finishes applied in the restoration, either siding or roof should be as muted in color as possible so as to minimize the visibility of the structure to the greatest extent possible.

P. Greenberg closed the Public Hearing at 7:15 p.m.

- **Application No. 15-6** on behalf of Mark and Suzette Bavalack, 34 Main Street, Ivoryton, CT, Assessor's Map 56, Lot 14, VR District, requesting a variance to section 45C.2 of the Essex zoning regulations to allow a potential accessory apartment to be located within 40 feet of another family dwelling unit and to be within 15 feet of a side property line.

Seated for Application 15-6 were W. Feirer, P. Decker, W. Veillette, P. Greenberg, M. Noto, A. Daddona

This is an application to allow an accessory building with an accessory apartment to be to a point 12' 7" from the side property line where 15 feet is required. Also to allow the accessory building to be 32' 6" from the principal structure where a 40' distance is required. The homeowners are interested in obtaining a special exception from the Zoning Commission to locate an accessory apartment in the rear accessory building.

Joseph Shea presented on behalf of the homeowner. This is an application to create an apartment above the existing garage. The house and the garage are connected via a five foot wide walkway which is not enclosed. The garage was built prior to the zoning regulations. There is an existing boathouse that is a

contiguous part of the garage and a portion of the boathouse is situated in the setback. The proposed three-bedroom apartment is not in that portion of the structure, however it is above the 3-bay garage.

J. Shea stated that the homeowners would like to create a rentable space above the garage. The septic was re-engineered in 2007 to accommodate the apartment. J. Shea stated that as per the zoning regulations, the apartment requirements are 15 feet from the setback, however the dwelling is within 12 feet from the setback. J. Shea stated that the homeowner would agree not to finish the boathouse into an additional living space.

J. Shea stated that he started this job in 2008. Installed the septic and was approved by Carol Lord and

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters submitted on behalf of this application.

P. Greenberg closed the Public Hearing at 7:30p.m.

- **Application No. 15-7** on behalf of Pamela and Cyrus Kissling, 2 Prospect Street, Essex, CT, Assessor's Map 27, Lot 68, VR District, requesting variances to 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow the demolition and replacement of a nonconforming section of the existing house and to allow a new 24' x 24' detached garage to encroach each side yard setback and to increase the existing building coverage from 15% to 18.1% where 10% is the maximum coverage allowed.

Seated for Application 15-7 were W. Feirer, P. Decker, W. Veillette, P. Greenberg, M. Noto, A. Daddona

This is an application for the demolition and reconstruction of a portion of the house that runs along the south property line. This wing of the house comes to a point 6" from the property line where 25' is required. Also to locate a new, detached, two-car garage on the property to a point 19' from each side property line where 25' is required and to allow the building coverage to increase from 15% to 18.1% where 10% is the maximum building coverage allowed.

John Beveridge presented on behalf of the homeowners. The property is also known as the Captain Joy house which is an historic structure. J. Beveridge stated that he proposes to remove the L portion of the existing house to the foundation and rebuild on the same scale, to be used as a master bedroom. This proposal is on the original footprint, however it is located within the setback. The second variance request is for construction of a two-car garage which will be designed as a Victorian carriage house, with scallop shingles. The third variance request is for lot coverage which is currently at 15%, including the house, and outbuildings, and the addition will be at 18%.

J. Beveridge stated that the hardship associated with this application is that this is a classic in-town home on a very small and convoluted lot which is a long, narrow piece of property.

J. Beveridge stated that if pressed, the property owner would not construct the garage, however move forward with the preservation of the existing structures.

M. Noto asked if the owners would consider removing the shed. J. Beveridge stated that the owners would consider it.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

Audience member George Davey, President of the Essex Village Condominium Board Association distributed a letter to Board members. The letter relates to this property which is adjacent to the condominium property. G. Davey stated that the topography is unusual and he requested that whatever construction and renovation is done, to take into consideration the topography of the land and the water flow. G. Davey asked that any water and drainage related issues that may arise be remedied as construction progresses. G. Davey stated that the Condo Association is in favor of the renovation and they do not wish to restrict renovation. However, they ask that the applicant take into consideration any issues related to water flow and storm and take the necessary steps to block the water flow under the existing shed. G. Davies suggested that the plans insure that drainage flow continues around the existing house and down onto Prospect Street.

G. Davey stated that another concern relates to the design, the color and the external light and landscaping. J. Beveridge spoke with G. Davey earlier and it was noted that a landscape architect will be brought in to create a plan.

G. Davey stated that the Essex Village Condominium Association is in support of the project, however he wishes to make certain that issues that have presented themselves are taken into consideration and action is taken to remediate.

Susan Malan, Essex Historical Society spoke in support of the proposal and stated that she was in favor of maintaining the shed in the rear of the property.

P. Greenberg read into the record a letter from the Essex Historical Society stating approval of this proposal.

P. Greenberg read into the record an email from Pam Pape stating her approval of this proposal.

A letter from the CT River Gateway Commission in which Torrance Downes, Sr. Planner states that the addition and the new two car garage are small and will be hidden from view from the river by existing structures and trees, thereby minimizing the proposal.

P. Greenberg closed the Public Hearing at 7:45p.m.

- **Application 15-8** on behalf of Kenneth Thompsen, 9 Maple Avenue, Essex, CT, Assessor's Map 17, Lot 30, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B to allow a 6' x 11.5' addition to a point 15 feet, 2 inches from the side property line where 25 is required. Also, to allow an increase in building coverage from 10.15% to 10.6% where 10% is the maximum building coverage allowed.

Seated for Application 15-8 were W. Feirer, P. Decker, W. Veillette, P. Greenberg, M. Noto, A. Daddona

This is an application to construct a 6' x 11.5' addition to the left of the house that would come to a point 15' 2" from the side property line where 25' is required. There is no portion of the proposed addition that will bring the house closer to the side property line than the current 14' 2".

Kenneth Thompsen presented on behalf of this application. K. Thompsen stated that this property is preexisting and nonconforming. Both the garage and an area that was used as a den extend beyond the current setback. The homeowner is looking to add a small area to the rear of the structure that does not extend beyond the existing house, side yard or rear yard. The house is situated on .38 acres per a survey that was done after K. Thompsen purchased the property. Variances are needed for setback and coverage, generated by the size of the lot. The coverage going to 10.3% from 10.1%. The current VR zone

requirement is 10%. The den which is situated in the rear of the structure will be removed and a partial shed roof will be installed. There is no proposed increase in height.

M. Noto stated that the construction will not extend beyond the existing side or the existing rear of the structure. The offset is exactly one foot on either side.

K. Thompen stated that he spoke with the Penniman's who own adjacent property and they stated no objection to this proposal.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

A letter from abutting neighbor who resides at 6 Maple Ave. stating support of this proposal.

A letter from the CT River Gateway Commission in which Torrance Downes, Sr. Planner states that the addition is insignificant in size and cannot be seen from the river.

P. Greenberg closed the Public Hearing at 8:10pm.

REGULAR MEETING

- **Application No. 15-1** on behalf of Kevin and Kathleen Duggan, 1 Laurel Road, Essex, CT, Assessor's Map 27, Lot 21, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to expand a portion of a house to a point 22 feet from a front property line where 30 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed.

MOTION MADE by M. Noto to approve **Application No. 15-1** on behalf of Kevin and Kathleen Duggan, 1 Laurel Road, Essex, CT, Assessor's Map 27, Lot 21, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to expand a portion of a house to a point 22 feet from a front property line where 30 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed. This proposal presents a small encroachment on the setback and any changes to the structure would be in violation of the zoning regulations. The hardship associated with this proposal is the preexisting nature of the structure and the additional violation of the setback is minimal. This application is approved in accordance with the plans as submitted. **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, A. Daddona, W. Veillette, W. Feirer, M. Noto.; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-5** on behalf of Andy Teran, 24 Hemlock Drive, Essex, CT, Assessor's Map 74, Lot 19, RU District, requesting variances to sections 40D, 40E, 50D, 40I.1 and 61B of the Essex zoning regulations to upwardly expand a portion of a house that is located in the rear yard setback area.

MOTION MADE by M. Noto to approve **Application No. 15-5** on behalf of Andy Teran, 24 Hemlock Drive, Essex, CT, Assessor's Map 74, Lot 19, RU District, requesting variances to sections 40D, 40E, 50D, 40I.1 and 61B of the Essex zoning regulations to upwardly expand a portion of a house that is located in the rear yard setback area. The hardship is that the existing house which predates the zoning regulations is nonconforming and it is currently situated within the setback. There is no proposed change in the footprint and the proposal does not alter or change the space that is to be occupied. This application is approved in

accordance with the plans as submitted. **SECONDED** by P. Decker; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-6** on behalf of Mark and Suzette Bavolack, 34 Main Street, Ivoryton, CT, Assessor's Map 56, Lot 14, VR District, requesting a variance to section 45C.2 of the Essex zoning regulations to allow a potential accessory apartment to be located within 40 feet of another family dwelling unit and to be within 15 feet of a side property line.

MOTION MADE by P. Decker to approve **Application No. 15-6** on behalf of Mark and Suzette Bavolack, 34 Main Street, Ivoryton, CT, Assessor's Map 56, Lot 14, VR District, requesting a variance to section 45C.2 of the Essex zoning regulations to allow a potential accessory apartment to be located within 40 feet of another family dwelling unit and to be within 15 feet of a side property line. The hardship associated with this proposal is that the structure is nonconforming and preexisting prior to the zoning regulations. The Variance is hereby granted provided that the boathouse never be converted into a space with the intent of occupancy. This application is approved in accordance with the plans as submitted. **SECONDED** by M. Noto; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, A. Daddona, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

- **Application No. 15-7** on behalf of Pamela and Cyrus Kissling, 2 Prospect Street, Essex, CT, Assessor's Map 27, Lot 68, VR District, requesting variances to 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow the demolition and replacement of a nonconforming section of the existing house and to allow a new 24' x 24' detached garage to encroach each side yard setback and to increase the existing building coverage from 15% to 18.1% where 10% is the maximum coverage allowed.

MOTION MADE by P. Greenberg to approve a Variance for **Application No. 15-7** on behalf of Pamela and Cyrus Kissling, 2 Prospect Street, Essex, CT, Assessor's Map 27, Lot 68, VR District, requesting variances to 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow the demolition and replacement of a nonconforming section of the existing house, provided the proposed structure will be rebuilt on the same footprint. The hardship is that the structure precedes the zoning regulations, and the property is small and narrow. The Variance request to allow a new 24' x 24' detached garage to encroach each side yard setback and to increase the existing building coverage from 15% to 18.1% where 10% is the maximum coverage allowed, is hereby denied without prejudice. This application for demolition and replacement of a nonconforming section of the existing house is approved in accordance with the plans as submitted. **SECONDED** by A. Daddona; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, A. Daddona, P. Decker, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

- **Application 15-8** on behalf of Kenneth Thompson, 9 Maple Avenue, Essex, CT, Assessor's Map 17, Lot 30, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B to allow a 6' x 11.5' addition to a point 15 feet, 2 inches from the side property line where 25 is required. Also, to allow an increase in building coverage from 10.15% to 10.6% where 10% is the maximum building coverage allowed.

MOTION MADE by M. Noto to approve **Application 15-8** on behalf of Kenneth Thompson, 9 Maple Avenue, Essex, CT, Assessor's Map 17, Lot 30, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B to allow a 6' x 11.5' addition to a point 15 feet, 2 inches from the side property line where 25 is required. Also, to allow an increase in building coverage from 10.15% to 10.6% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is that the proposed

increase of coverage and the violation of setback are minimal and not extending beyond the side violation or front yard measurement of the house. This application is approved in accordance with the plans as submitted. **SECONDED** by W. Veillette; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. Feirer, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

Approval of Minutes – March, 2015

The following change was noted: Remove P. Decker from the vote on adjournment.

MOTION to approve the March 2015 Minutes as amended; **MADE** by M. Noto; **SECONDED** by W. Veillette; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. Feirer, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

New Business

M. Wells reported that the Appeal on the Baker property on Collins Lane has not resolved and this matter is currently at the Appellate Court.

M. Wells reported that he is leaving the law firm of Gould, Larson on May 4, 2015 and he will join the firm of Hudson and Kilby, P.C.

Correspondence and Invoices

There was no correspondence and no invoices.

Adjournment

MOTION to adjourn the meeting at 8:35p.m. to the next regularly scheduled meeting to be held on Tuesday, May 19, 2015 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by A. Daddona; **SECONDED** by M. Noto; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. Feirer, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary