

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**

*Vacancy*  
*W. T. Furgueson*  
*William Veillette*

**Alternate Members**

*Ward Feirer*  
*Barbara Sarrantonio*  
*Peter Decker*

**Unapproved**

**Minutes**  
**January 19, 2016 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, January 19, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were M. Noto Vice Chair, W. T. Furgueson, W. Veillette and W. Feirer seated for P. Greenberg.

Staff:

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

M Noto called the meeting to order at 7:05pm

Attorney Wells advised applicants that there will be four members are seated at this evening's meeting and as such, all four members must be in agreement in order for variance approval of the applications before the Board this evening.

M. Wells stated that if an application is denied without prejudice, a new proposal would be required in order for the applicants to reapply for a Variance. The Board cannot re-vote on the same application.

M. Noto presented the option to the applicants for a continuation of their proposal to the February 16, 2016 meeting.

The applicants mutually agreed to move forward with their proposals at this meeting.

- **Application No. 15-27** on behalf of Glenn Jacobsen, 10 New City Street, Essex, CT, Assessor's Map 28, Lot 66, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow the relocation of an existing 12' x 18' shed to a location 5 feet from a side property line where 25 feet is required.

Seated for this proposal were M. Noto, W. T. Furgueson, W. Feirer and W. Veillette.

This is an application to move an existing 12' x 18' accessory structure from a central location to a new location further in the rear of the property to a point 5 feet from a side property line where 25 feet is

required. The proposed location is approximately 20 feet from the rear setback where this proposal would be allowed with a variance.

Presenting on behalf of this application was Glenn Jacobsen who stated that he purchased his home in June 2015. G. Jacobsen stated that he is a landscape design contractor and he has made considerable improvements on his property in the past year. G. Jacobsen stated that there is a drainage easement in the middle of the property that runs on a diagonal. The existing shed is 100 years old and it is situated in the middle of the property and in its current location, the shed restricts the visual effect of the property and inhibits the full extent of the use of the property.

G. Jacobsen proposes to recess the shed and construct a wall behind it and tuck the shed into the wall. The shed is 14 feet from base to peak however will be recessed into the ground. The three foot wall in the back of the shed and tapers to one foot as it goes down to grade in the front of the shed. G. Jacobsen stated that the shed can be shored up and placed on rollers and moved to this location on the property.

W. T. Fergusson stated that aesthetic value is not considered a hardship in determination for approval of a variance.

G. Jacobsen stated that the hardship is location of the drainage easement and the size and shape of the lot.

M. Wells stated that the applicant currently has a shed situated in a conforming location and is asking the Board to move it to nonconforming location. M. Wells noted that if the applicant moved the shed toward the easement, into a conforming location, a variance would not be necessary.

G. Jacobsen stated that the drainage easement presents a hardship. If the shed is situated to any other location on the property, a water and drainage issue will potentially be created. G. Jacobsen stated that if he moved the shed to the northeast corner of the property it would be more obtrusive and visible to the neighbors.

The topography of the property from the easement to the rear of the property is such that the property slopes up, and more drastically to the right side of the property.

M. Noto asked if anyone wished to speak in favor or in opposition to this proposal.

Edward Hemway, 61 North Main Street stated that his property abuts the mid-section, right side of the applicant's property. E. Hemway stated that there is a foundation on this shed and further, the shed has electric, a chimney with wood burning stove and a phone line. E. Hemway stated that the shed would potentially serve as a functioning adjunct to the house and could be considered a studio or a gathering spot.

M. Noto stated that the use of the shed does not affect this application.

E. Hemway stated that he objects to the approval of a variance noting that the relocation of the shed would be intrusive into neighboring properties and it would impact the value and privacy of his property.

Christopher Reddy 59 N. Main Street, owns an abutting property, to the rear of the applicant's property. C. Reddy stated that he objects based on; 1. This building is a cottage, not a shed and it is being moved next to a hearthscape patio and fireplace that was recently installed and construed for the purpose of a gathering location, which would inhibit use of C. Reddy's property. 2. The abutment within five feet of his house would detract from the value of C. Reddy's property. 3. There is a 100-year old stone wall at top of slope with mature trees creating a natural privacy barrier. Building into the slope could potentially damage and disrupt the wall and trees. C. Reddy stated that during the winter months, this shed will be fully visible from one side of his yard and in the distance.

There was no further comment from the audience.

There was one letter submitted by Jane Kelly, 6 New City Street, Essex requesting a postponement or denial of this proposal until such time that J. Kelly can have ample time to review the plans related to the proposal.

G. Jacobsen presented a letter into the record from William Beccaro, 12 New City Street, abutting property owner stating his approval of the proposal and offering his support in the granting of the variance.

G. Jacobsen stated that the previous owner used the shed as home office. The phone lines have been disconnected. G. Jacobsen stated that this shed will not be turned into a living structure. There is a patio that has been constructed which was approved by zoning. The shed is 12' x 18' and it is an old structure which the applicant stated that he plans to use as storage. G. Jacobson stated that the proposed location of the shed will be less visible to neighbors, Jane Kelly and to Edward Hemway. G. Jacobsen stated that the proposed placement of the shed will sit low and C. Reddy may be able to see the peak of the shed.

There was no further comment.

M. Noto closed the public hearing at 7:35 p.m.

- **Application No. 15-28** on behalf of Terry Mulcahey for Patricia Hitchcock, 16 Parker Terrace, Essex, CT, Assessor's Map 27, Lot 104, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove, then rebuild a 15' x 21' single-car garage on a location that is 3 feet from a side property line where 25 feet is required.

Seated for this proposal were M. Noto, W. T. Furgueson, W. Feirer and W. Veillette.

This is an application to remove the existing garage from the foundation and rebuild a new garage with the same width and length, a little higher in height. The removal of the existing garage is an abandonment and the proposal is for a new garage to a point three feet from the side property line where 25 feet is required.

Since the filing of this application the garage was removed which is not a violation, however, construction did begin prior to the submission of this application without the benefit of a zoning permit or a building permit. On January 7, 2016, the garage was framed with walls and a roof was constructed.

Mr. Hitchcock presented. He stated that the garage has been in place for over 60 years. This proposal involves removing and reconstructing the same structure out of wood on the same footprint. The hardship associated with this proposal is that this is the only location on which to situate the garage. The property is on a slope surrounded by ledge. The garage is on concrete footings and the applicant stated that he obtained a permit on December 2, 2015 for the demolition of the garage. The demolition was done and construction has begun. The new structure is one-foot higher which brought up the peak of the structure. Mr. Hitchcock stated that the iron truss's on the previous structure were rotted away and that he installed 2 x 3's last winter to hold up that portion of the roof.

M. Wells indicated that this is an application to replace an existing building with a new building on the same footprint and height is not an issue related to this proposal, providing it does not exceed the height regulation. The applicant seeking variance to replace what was already there, in the same location.

There was no further comment from the Board.

M. Noto asked if anyone wished to speak in favor or in opposition to this proposal.

There was no public comment.

There were no letters submitted related to this application.

M. Noto closed the public hearing at 7:42 p.m.

- **Application No. 15-29** on behalf of Nancy Hudson, 56 South Main Street, Essex, CT, Assessor's Map 46, Lot 40, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove an existing garage and replace it with a larger 20' x 24' structure to a point 15 feet from a side property line where 25 feet is required, and to increase building coverage from 10.5% to 12.2% where 10% is the maximum building coverage allowed.

Seated for this application were M. Noto, W. T. Furgueson, W. Feirer and W. Veillette.

This is an application to remove the existing garage and replace it with a larger, 20' x 24' garage. The existing garage is 14 feet from the side property line where 25 feet is required.

The proposed garage would be to a point 15 feet from the same side property line. The building coverage would increase from the existing 10.5% to 12.2% where 10 is the maximum building coverage allowed.

Chuck Mandell, agent for the applicant presented. The house was built in 1839 on a preexisting, nonconforming lot. This proposal requests an increase of lot coverage to 12.9% and by shifting the structure to the north will make it more nonconforming. The garage will be widened and lengthened and which will accommodate a bay and one half of space. There is ledge surrounding the property and this is the only, feasible location for the garage. The hardship is that this is an undersized lot, particularly in the VR Zone.

Nancy Hudson stated that she would like to be able to place her car in the garage.

C. Mandell presented a site plan on which neighbors, Tracy Rudd and William Thomas signed their approval on December 22, 2015.

C. Mandell stated that due to lots shape and topography, the current garage which is too small to accommodate a car is used for storage. Expanding the garage to accommodate a car presents no adverse use of the property.

There was no further comment from the Board.

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

There was no public comment.

There were no letters submitted related to this proposal.

M. Noto closed the public hearing at 7:35pm

## **REGULAR MEETING**

- **Application No. 15-27** on behalf of Glenn Jacobsen, 10 New City Street, Essex, CT, Assessor's Map 28, Lot 66, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the

Essex zoning regulations to allow the relocation of an existing 12' x 18' shed to a location 5 feet from a side property line where 25 feet is required.

W. Veillette referenced the letter submitted by J. Kelly, 6 New City Street.

M Noto suggested that the Board consider the letter from J. Kelly as a hardship.

W. T. Furgueson commented on the self-inflicted hardship associated with this proposal and noted that the applicant was aware of the location of the shed. W. T. Furgueson stated that it appears that the neighbors would be willing to entertain different proposals

M. Noto stated that he does not find a hardship associated with this proposal. There was one, strong letter supporting this application, however the Board must look at the proposal and commentary as a whole.

**MOTION** to deny a variance to, **Application No. 15-27** on behalf of Glenn Jacobsen, 10 New City Street, Essex, CT, Assessor's Map 28, Lot 66, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow the relocation of an existing 12' x 18' shed to a location 5 feet from a side property line where 25 feet is required. A Variance denied based on a lack of hardship; **MADE** by W. T. Furgueson; **SECONDED** by M. Noto; **IN FAVOR OF DENYING A VARIANCE:** M. Noto, W. T. Furgueson, W. Feirer and W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

- **Application No. 15-28** on behalf of Terry Mulcahey for Patricia Hitchcock, 16 Parker Terrace, Essex, CT, Assessor's Map 27, Lot 104, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove, then rebuild a 15' x 21' single-car garage on a location that is 3 feet from a side property line where 25 feet is required.

**MOTION** to grant a variance to, **Application No. 15-28** on behalf of Terry Mulcahey for Patricia Hitchcock, 16 Parker Terrace, Essex, CT, Assessor's Map 27, Lot 104, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove, then rebuild a 15' x 21' single-car garage on a location that is 3 feet from a side property line where 25 feet is required. The hardship associated with this application is based on the proposed location of the shed which is the only practical location for the structure to be situated and this proposal replaces a defective, unsafe building with a safe structure. The variance is approved in accordance with the plans submitted; **MADE** by W. T. Furgueson; **SECONDED** by W. Feirer; **IN FAVOR:** M. Noto, W. T. Furgueson, W. Feirer and W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

- **Application No. 15-29** on behalf of Nancy Hudson, 56 South Main Street, Essex, CT, Assessor's Map 46, Lot 40, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove an existing garage and replace it with a larger 20' x 24' structure to a point 15 feet from a side property line where 25 feet is required, and to increase building coverage from 10.5% to 12.2% where 10% is the maximum building coverage allowed.

M Noto stated that the applicant is lessening one hardship in the process of relocating the garage, and although increasing the size of the structure, the applicant is increasing the distance away from the side yard. The hardship is the topography of the property.

**MOTION** to grant a variance to, **Application No. 15-29** on behalf of Nancy Hudson, 56 South Main Street, Essex, CT, Assessor's Map 46, Lot 40, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 61B to remove an existing garage and replace it with a larger 20' x 24' structure to a point 15 feet from a side property line where 25 feet is required, and to increase building coverage from 10.5% to 12.2% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is

due to the topography of the land. The variance approved in accordance with the plans submitted; **MADE** by M. Noto; **SECONDED** by W. Feirer; **IN FAVOR:** M. Noto, W. T. Furgueson, W. Feirer and W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

#### Correspondence and Invoices

There was no correspondence and there were no invoices.

#### Approval of Minutes – December 15, 2015

**MOTION** to approve the December 15, 2015 Minutes as presented; **MADE** by M. Noto; **SECONDED** by W. T. Furgueson; **IN FAVOR:** M. Noto, W. T. Furgueson, W. Feirer and W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

#### Approval of the 2016 Meeting Calendar

**MOTION** to approve the 2016 Meeting Calendar as presented; **MADE** by M. Noto; **SECONDED** by W. T. Furgueson; **IN FAVOR:** M. Noto, W. T. Furgueson, W. Feirer and W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

#### Other

M. Noto stated that he has changed his residence and is moving outside of the state of Connecticut. This evening is Mr. Noto's last meeting on the Zoning Board of Appeals. Mr. Noto thanked the Board.

#### Adjournment

**MOTION** to adjourn the meeting at 8:10p.m. to the next regularly scheduled meeting to be held on Tuesday, February 16, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **IN FAVOR:** W. T. Furgueson, P. Greenberg, M. Noto, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary