

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

*Paul Greenberg, Chair
Vacancy, Vice Chair*

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Regular Members

*Barbara Sarrantonio
W. T. Furguson
William Veillette
Ward Feirer*

Alternate Members

*Peter Decker
Philip J. Beckman
George Wendell*

Unapproved

**MINUTES
July 19, 2016 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, July 19, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P Greenberg, W Veillette, W Feirer, P. Beckman, Alternate who was seated for the meeting and G. Wendell, Alternate who was seated for the meeting.

Staff:

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

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

- **Application No. 16-14** on behalf of Keith Knickerbocker, 22 Falls River Drive, Ivoryton, CT Assessor's Map 53, Lot 3, LI District requesting variances to Sections 40D, 40E, 40I.1, 61B and 62B of the zoning regulations to locate a rear house addition to a point 22 feet from a side property line where 30 feet is required.

Seated for this proposal were P Greenberg, W Veillette, W Feirer, G Wendell, P Beckman.

Presenting on behalf of this proposal was Keith Knickerbocker. K. Knickerbocker stated that the terrain and topography on his property is so dramatic that extensive excavation would be necessary in order to situate the proposed addition in any other location. The property slopes dramatically and there is a good deal of ledge behind the house, and the septic is situated in the front yard.

G. Wendell stated that the proposed addition could be situated closer to the dining room.

K. Knickerbocker stated that situating the addition closer to the dining room would not create a fluid layout and it would potentially devalue the property by placing the addition in such a way where it creates an odd layout.

K Knickerbocker stated that he was granted a variance in April, 2000 for the construction of an addition however he did not go forward with the construction as that proposed addition was too small. The north corner section of that proposed addition encroached in the side yard setback by six feet. He noted that as related to this current proposal, the setback encroachment is different, plus or minus one foot from the

previously granted variance for an addition.

M. Wells stated that this Board has already determined that there is a hardship when they approved the variance in 2000, and if there is not an appreciable difference in terms of getting closer to the lot line, that would set the parameters of what the Board is considering. In this proposal, K. Knickerbocker is seeking an expansion for an area that is conforming.

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

There was no public comment.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:15pm

- **Application 16-15** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT, Assessor's Map 68, Lot 4-1B, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 square foot detached garage to a point eight feet from a side property line where 30 feet is required.

Seated for this proposal were P. Greenberg, W. Feirer, W. Veillette, G. Wendell and P. Beckman.

Jon Goss presented on behalf of this proposal. J. Goss stated that he would like to build a garage at the end of his driveway and he noted that because the property line angles, by placing the garage in the proposed location it will encroach on that angling property line. J. Goss stated that he does not wish to change the driveway location as there is a preexisting, under-the-house garage, and he stated that the cost to excavate the existing asphalt driveway and the retaining walls would be extensive, and he noted that the existing driveway is the entryway into the house. The existing under-the-house garage is inadequate, short, shallow and truncated and it will not house a larger vehicle. J. Goss stated that he cannot locate the garage on opposite side of driveway due to the location of the septic system.

W Feirer suggested that the applicant place the garage behind the retaining wall thereby relieving the proximity to the setback.

J. Goss stated that aesthetically, that option would look odd and it would be awkward to swing the car around to enter the garage. Additionally, he stated that he would need to construct a retaining wall which would add to the difficulty in parking his vehicle in the garage. J. Goss stated that the hardship is the constraint created due to the location of the septic system and the constraint created by maintaining the current location of the driveway which enables the applicant to continue to utilize the existing under-house garage.

J. Goss stated that he spoke with his neighbor who was in favor of this proposal.

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

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:30pm

- **Application 16-16** on behalf of Jon and Margaret Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District, requesting variances to sections 40C, 40D, 40E, 60B and 101D of the

zoning regulations to locate a single family dwelling and a detached garage within the Gateway buffer Zone and to allow a proposed building coverage of 11.1% where 10% is the maximum building coverage allowed.

Joe Wren, P.E., Indigo Land Design presented on behalf of this application. J. Wren stated that this property is accessed through a small peninsula and private drive. There is no street frontage and this is an isolated parcel of land. The water service comes down Riverview Street via easement from property belonging to Gary Johnson. Currently on the property is a two bedroom, seasonal boat house. There are two buildings situated on the rear of the property. This is a proposal to remove all three buildings and to construct a new, two-bedroom, year round house and elevate to meet FEMA requirement. In the rear of the property, the applicant proposes to construct a garage with an upstairs workshop. There will be no plumbing in the workshop or the garage. The existing rear buildings are not FEMA compliant however the proposed garage will be FEMA compliant. The septic system is currently situated to the west of the boat house. The tanks will be relocated closer to the garage structure as shown, and the leaching system will be to the left side of the property, which will provide optimum drainage. There is an application before the Health Department for the engineered septic system. J. Wren stated that this application has been reviewed by the Gateway Commission and they are not opposed to this proposal. A letter from the CT River Gateway Commission has been submitted for the record, to that effect. J. Wren stated that Coastal Area Management approval will be sought through the Zoning Commission. Inland Wetland approval has been granted.

J Wren stated that the hardship associated with this proposal involves the fact that there is no frontage, the property is situated on a peninsula, and it is surrounded by water on three sides. Anything done on the property would require a variance. J. Wren stated that the applicant is seeking a variance for coverage and for the CT River setback. J. Wren stated that this proposal eliminates the two side setbacks.

J. Morris stated that per the FEMA requirements, the elevation of the house and the garage create the hardship.

Joe Bergin, project architect presented a composite of the floor plans and the garage proposal.

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

There was no public comment.

One letter was received from the CT River Gateway Commission stating no opposition to this proposal. Three additional letters were presented, all dated July 16, 2016 and all three letters in favor of this proposal; Sapia, 3 Willow Point, Essex; Gary Johnson, 9 Riverview Street, Essex; Winn and Joanne Lauder, 7 Riverview Street, Essex.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 8:09pm

- **Application 16-17** on behalf of John Larson, and Kelly Sullivan, 15 High Street, Essex, Assessor's Map 27, Lot 74, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a second floor expansion within the front yard setback area and to allow a 4' x 16' front porch addition to a point 12' 3" from the front property line where 30' is required. Also to allow an increase in the building coverage from 12.4% to 13.1 where 10% is the maximum coverage allowed.

Seated for this proposal were P. Greenberg, W. Feirer, W. Veillette, G. Wendell and P. Beckman.

John Larson presented on behalf of this application. J. Larson stated that the house was built in 1884 and it is situated on a small lot. He is seeking variance within the front setback and would like to gain additional space to expand. J. Larson stated that the property is in blight and he wishes to clean it up and modify the house while remaining within the current footprint. The porch, which will be four feet in width will be extended, and will encroach on the front, side setback. J. Larson stated that this proposal does not create any more of a nonconformance than already exists. There will be a new structure in the setback.

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.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 8:07pm

- **Application No 16-8** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7 VR District requesting an amendment to Application 16-6, a previously approved variance allowing a detached garage with a condition.

D. Wilcox appeared before the ZBA previously requesting that the Board grant a Variance for the construction of a rec room and for the installation of a water line. At the time that this application was before the ZBA, the Board allowed a Variance with the condition that this space would be allowed as a rec room with no kitchen or bathroom facilities. D. Wilcox is requesting that the Board modify their previously conditioned approval.

J. Budrow, Zoning Enforcement Officer submitted a memorandum dated July 5, 2016 to the Board in which he states that the Essex Health Department and the Zoning Department often receive requests to allow water to detached accessory buildings and approve such requests when the applicant meets the requirements and guidelines of the Town. Conditions applied to these water hook-ups often state that such buildings may not be used as dwelling units. J. Budrow stated that it is his opinion that allowing water hook up to an accessory building is within the purview of the Health Department and he requested that the ZBA amend the recent variance subject to this application by removing the water hook-up language and leaving the condition restricting an apartment.

D. Wilcox presented this evening. D. Wilcox stated that the Board approved a Variance in May 2016 to allow construction of family room, second floor of garage and he is now seeking a modification to that Variance. D. Wilcox stated that he would also like to install a toilet and a sink in the family room. He stated that the hardship is that the family room is located in a detached garage and the space will be utilized by elderly parents and several, young grandchildren. The allowance of a toilet and a sink would create a convenience for the family. In addition to the allowance of a toilet and sink, the applicant stated that he would also like to install a deep sink in the garage.

M. Wells stated that a Variance was previously granted with an accessory apartment restriction. The Board added language to that Variance indicating that there was to be no water source to this proposal. The ZEO informed the Board that he is in favor of allowing a water hookup to this proposal and the water line would be within the purview of the Health Department. The applicant is seeking that water source language be deleted from the conditions of the May variance, however the condition which states that the space is never to be utilized as an accessory apartment will remain.

D. Wilcox stated that he was not aware of the original condition placed by the ZBA and he noted that in process of construction, his surveyor found the restriction. At that point, D. Wilcox came to the Town authority to request an amendment to the Variance.

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.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:45pm

REGULAR MEETING

- **Application No. 16-14** on behalf of Keith Knickerbocker, 22 Falls River Drive, Ivoryton, CT Assessor's Map 53, Lot 3, LI District requesting variances to Sections 40D, 40E, 40I.1, 61B and 62B of the zoning regulations to locate a rear house addition to a point 22 feet from a side property line where 30 feet is required.

P. Greenberg stated that a variance was previously granted for this proposal however it is unclear if this current proposal further encroaches on the side property line.

The Board determined that the proposed encroachment into side yard is similar to the previously approved Variance which was granted at the April 18, 2000 ZBA meeting. That Variance was approved based on the hardship due to the size and the shape of the lot and the fact that the house was constructed prior to the enactment of zoning.

MOTION to grant approval to **Application No. 16-14** on behalf of Keith Knickerbocker, 22 Falls River Drive, Ivoryton, CT Assessor's Map 53, Lot 3, LI District requesting variances to Sections 40D, 40E, 40I.1, 61B and 62B of the zoning regulations to locate a rear house addition to a point 22 feet from a side property line where 30 feet is required. The hardship established with the previously granted Variance cited the size and the shape of the lot and the fact that the house was constructed prior to the enactment of zoning. As related to this proposal, the encroachment into the side yard is similar to the previously approved Variance which was granted at the May 18, 2000 meeting of the Zoning Board of Appeals. The Variance is approved in accordance with the plans presented; **MADE** by W. Veillette **SECONDED** by W. Feirer; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-15** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT, Assessor's Map 68, Lot 4-1B, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 square foot detached garage to a point eight feet from a side property line where 30 feet is required.

P Greenberg stated that the applicant has options to construct a garage in a location that is not within the setback, and he noted that this is a self-created hardship.

The Board determined that there is no evident hardship associated with the topography of the land and there was no hardship presented. The size of property presents options that could provide a location for the garage with no impingement on the setback, or a smaller impingement on the setback.

MOTION to deny, **Application 16-15** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT, Assessor's Map 68, Lot 14-1B, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 square foot detached garage to a point eight feet from a side property line where 30 feet is required. The Variance is denied as there is no evident hardship with the topography of the property. The size of the property presents options that could provide opportunity to construct a garage with no impingement on the setback or a smaller impingement on the setback; **MADE** by P. Beckman; **SECONDED** by W. Feirer; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-16** on behalf of Jon and Margaret Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District, requesting variances to sections 40C, 40D, 40E, 60B and 101D to locate a single family dwelling and a detached garage within the Gateway Buffer Zone and to allow a proposed building coverage of 11.1% where 10% is the maximum building coverage allowed.

MOTION to grant approval to **Application 16-16** on behalf of Jon and Margaret Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District, requesting variances to sections 40C, 40D, 40E, 60B and 101D to locate a single family dwelling and a detached garage within the Gateway Buffer Zone and to allow a proposed building coverage of 11.1% where 10% is the maximum building coverage allowed. A significant number of the nonconformities have been reduced and the geometry of the property and the setback from the CT River is preventative. The coverage is going up by 1%. The lot is rezoning and nonconforming. The Variance is granted in accordance with the plans as submitted. **MADE** by P. Beckman; **SECONDED** by W. Feirer; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-17** on behalf of John Larson, and Kelly Sullivan, 15 High Street, Essex, Assessor's Map 27, Lot 74, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a second floor expansion within the front yard setback area and to allow a 4' x 16' front porch addition to a point 12' 3" from the front property line where 30' is required. Also to allow an increase in the building coverage from 12.4% to 13.1 where 10% is the maximum coverage allowed.

MOTION to grant approval to **Application 16-17** on behalf of John Larson, and Kelly Sullivan, 15 High Street, Essex, Assessor's Map 27, Lot 74, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a second floor expansion within the front yard setback area and to allow a 4' x 16' front porch addition to a point 12' 3" from the front property line where 30' is required. Also to allow an increase in the building coverage from 12.4% to 13.1 where 10% is the maximum coverage allowed. The hardship associated with this variance is that the house predates zoning. The existing elevation of the house is within the setback and the second story addition will be constructed on the same footprint as the current house. The four-foot wide porch addition follows the same front house plain. The Variance is granted in accordance with the plans as submitted. **MADE** by W. Feirer; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No 16-8** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7 VR District requesting an amendment to Application 16-6, a previously approved variance allowing a detached garage with a condition.

MOTION to grant approval to **Application No 16-8** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7 VR District requesting an amendment to Application 16-6, a previously approved variance allowing a detached garage with a condition. The condition which states "A kitchen/kitchenette shall not be added, and shall not have a water supply, bathrooms or kitchen appliances" shall be deleted. However, the condition which states "The second story of the garage be restricted for use

as a workshop, or storage, or a family room, however it will never be allowed as an accessory apartment” remains in full force. The Variance is granted in accordance with the plans as submitted. **MADE** by W. Feirer; **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Correspondence and Invoices

There was no correspondence and there were no invoices.

NEW BUSINESS:

There was no new business.

OLD BUSINESS:

Approval of Regular Meeting Minutes – June 21, 2016

MOTION to approve the June 21, 2016 Regular Meeting Minutes as presented; **MADE** by W. Feirer; **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Other

P. Beckman commented on the application process and he noted that if the applicants were to be mentored by the ZEO on how to present a hardship, it would make the process easier. P. Beckman suggested that the ZEO provide ideas to the applicants on proper completion of their applications.

M. Wells stated that he will be away for the August meeting, however if the Board would like legal counsel present, Attorney Campbell Hudson can be available to attend that meeting.

G. Wendell suggested that moving forward the applicants present in a location toward the far wall which would enable both audience members and the Board to view their presentation.

Adjournment

MOTION to adjourn the meeting at 8:35p.m. to the next regularly scheduled meeting which will be held on Tuesday, August 15, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by P. Greenberg; **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary