

TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

*Paul Greenberg, Chair
W. T. Furgueson, Vice Chair
W. Feirer, Secretary*

Regular Members

*Barbara Sarrantonio
William Veillette*

Alternate Members

*Philip J. Beckman
George Wendell
Richard Rybak*

Unapproved

MINUTES

February 21, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, February 21 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Attending Members were P Greenberg, W. Feirer, W. Veillette, W T Furgueson, P Beckman. G Wendell joined the meeting at 7:03pm. B Sarrantonio joined the meeting at 7:05pm

Staff:

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

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

Seated for the meeting were P Greenberg, W. Feirer, W. Veillette, W T Furgueson, P Beckman.

PUBLIC HEARINGS

- **Application No. 17-1** on behalf of Sal Sapia, 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow the increase in height of a nonconforming area of the existing roof line by 2 feet, 4 inches.

This is an application to raise a portion of the roof of the garage where this garage is in a side setback area. The height of the garage will not increase. There is no increase in building coverage.

Presenting on behalf of this proposal was Sal Sapia, seeking variance to modify the roof of the garage. The garage is situated entirely within the setback. S Sapia stated that this proposal will not exceed the existing main ridge line of the existing building. A variance was granted in 2013 to build the garage. S Sapia stated that he would like to construct two small dormers to provide cross ventilation to the storage room that is located just above the garage. The dormers will not exceed the present height of the existing structure. This is a request for a variance for expanding the amount of space that is within the setback for the property.

S Sapia stated that the hardship is the nonconforming lot and the location of the house which was constructed prior to the zoning regulations.

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 proposal.

There were no further questions from the Board.

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

Application No. 17-2 on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7, requesting variances to Sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow an enclosed breezeway to be located to a point 12 feet from the rear property line where 30 feet is required and to allow an increase to the existing building coverage from 16.9% to 18.7% where 10% is the maximum coverage allowed.

This is an application to construct an enclosed breezeway connecting the house to the garage. A portion of the breezeway is single story however the height increases at the garage to allow for a staircase to a second story doorway. The northern edge of the breezeway comes to a point 12 feet from the rear property line where 30 feet is required. Also, the building coverage would increase from 16.9% to 18.7% where 10% is the maximum building coverage allowed.

Dan Wilcox presented on behalf of this application. D Wilcox stated that he is looking to construct a covered connector between the house and the garage that will provide shelter from the elements. A variance was issued in 2016 for the construction of the garage. This proposal will facilitate the passage from the house to the second floor of the garage. There is currently a staircase situated in the rear of the garage that leads to the second floor. However, in this proposal the connector will allow for an interior staircase to the second story doorway.

D Wilcox stated that the hardship is the fact that the lot predates zoning.

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

Susan Henry, 19 Pratt Street stated her opposition to the increase in the coverage on the lot, and her opposition to the placement of this proposed structure which will be 12 feet from her property line.

There was no further public comment.

There was a letter submitted by Gregory and Bernadette Prato, adjacent property owner, in favor of this proposal.

There was a letter submitted by Susan B. Henry, 19 Pratt Street stating her opposition to this proposal.

There were no further questions from the Board.

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

REGULAR MEETING

- **Consideration - Application No. 17-1** on behalf of Sal Sapia, 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow the increase in height of a nonconforming area of the existing roof line by 2 feet, 4 inches.

W Feirer stated that the placement of the dormers are not out of necessity, but rather a convenience.

W Veillette stated that it would have been preferable had this proposal been submitted with the 2013 variance request.

W T Furgueson stated that providing that this space will not be used for a living space, and incorporating this verbiage in the motion for approval, he is in favor of granting a Variance. W T Furgueson noted that the hardship is that this is a small, nonconforming lot and this proposal does not exceed the height of the existing structure.

MOTION to grant a Variance to **Application No. 17-1** on behalf of Sal Sapia, 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow the increase in height of a nonconforming area of the existing roof line by 2 feet, 4 inches. The hardship associated with this proposal is considered in the following factors; 1) This property is a nonconforming lot; 2) The owner's desire to improve circulation through cross-ventilation; 3) The height of the dormer will not exceed the existing structure. A Variance is approved with the following stipulation: 1) The second floor will not be used as a living space, but for storage purposes only; **MADE** by W Veillette; **SECONDED** by P Beckman; **IN FAVOR:** P Greenberg, P Beckman, W. Feirer, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Consideration - Application No. 17-2** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7, requesting variances to Sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow an enclosed breezeway to be located to a point 12 feet from the rear property line where 30 feet is required and to allow an increase to the existing building coverage from 16.9% to 18.7% where 10% is the maximum coverage allowed.

W T Furgueson stated that the second story has already been constructed and in this proposal, the applicant is seeking approval to access to the second story from interior garage.

G Wendell stated that this proposal appears to create a larger building.

W Veillette stated that the lower portion under the deck will not be enclosed.

P Greenberg stated that he has difficulty with the lack of demonstrated hardship and he noted that this proposal could have been incorporated in the 2016 variance request.

MOTION to deny a Variance to **Application No. 17-2** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor's Map 47, Lot 7, requesting variances to Sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow an enclosed breezeway to be located to a point 12 feet from the rear property line where 30 feet is required and to allow an increase to the existing building coverage from 16.9% to 18.7% where 10% is the maximum coverage allowed. The Variance is denied based on lack of defined hardship that is unique to the property. **MADE** by P. Beckman; **SECONDED** by W Feirer; **IN FAVOR:** P Greenberg, P

Beckman, W. Feirer, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0. Application denied.

NEW BUSINESS

There was no new business.

OLD BUSINESS

- Approval of Minutes –Meeting Minutes, January 17, 2017

MOTION to approve the January 17, 2017 Regular Meeting Minutes with the following amendment: Page 2, third paragraph from bottom of page to read: “B Sarrantonio stated that many of the homes on Pratt Street are substandard by modern standards”; **MADE** by W Feirer; **SECONDED** by W Veillette; **IN FAVOR:** W T Furgueson, W. Feirer, W. Veillette, P Greenberg, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence

M Wells reported that he met with Zoning Commission Chair, Al Wolfram, Zoning Enforcement Officer, Joe Budrow and First Selectman, Norm Needleman related to the “working group” who are drafting the proposed changes to the zoning regulations. W Veillette was also at that meeting. M Wells stated that the First Selectman indicated that there will be no substantive changes to the zoning regulations at this time.

ADJOURNMENT

MOTION to adjourn the meeting at 7:52 p.m. to the next regularly scheduled meeting which will be held on Tuesday, March 21, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W. Feirer; **SECONDED** by P Beckman **IN FAVOR:** P Beckman, W. Feirer, W. Veillette, P Greenberg, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary