



TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

W. T. Furgueson, Chair
B. Sarrantonio, Vice Chair
W. Feirer, Secretary

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Regular Members

Philip P. Schall

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

Minutes
December 18, 2018 – Zoning Board of Appeals

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, December 18, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Present and seated for the meeting were W. T Furgueson, W Feirer, P Schaller, G Wendell, R Rybak, P Beckman.

Staff:

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

Audience Members: Joe Wren, P.E., Indigo Land Design
Denise VonDassel, Architect
5 additional audience members

W. T. Furgueson, Acting Chair called the meeting to order at 7:00 p.m.

Seated for the meeting were W. T. Furgueson, P Schaller, W Feirer, G Wendell, R Rybak, P Beckman.

1. PUBLIC HEARINGS

Discussion and possible decision on application:

- **Application #18-20** on behalf of 8 West LLC, property situated at 8 West Avenue, Essex, CT Assessors Map 32, Lot 59, VR District requesting a variance to sections 40C 40D 40E 40I.1, 40Q, 50D and 60B of the zoning regulations to locate a newly constructed house to a point 6 feet from the west side of the property line where 25 feet is required to a point 18 feet from the front property line where 30 feet is required and to a point 16 feet, 5 inches from the east side property line where 25 feet is required. Also to allow the new house to have 20.9% building coverage where 10% is the maximum building coverage allowed. Also, to allow a new swimming pool to a point 18 feet from a property line where 20 feet is required.

W. T. Fergusson recused himself from this matter.

The applicant proposes to demolish the existing 2-story, 4 bedroom year-round dwelling and construct a new 2-story 4-bedroom, year-round dwelling with an attached 2-car garage and rear decks, construct an in-ground and patio to the rear (southwest), remove the existing septic system and install a new 100% code compliant septic system and other associated improvements.

Joe Wren, P.E., Indigo Land Design and Denise VonDassel, Architect KV Designs presented on behalf of this application.

J Wren stated that the adjacent property which is 10 West Avenue was granted variance several months ago with an increase from 18-22.6% coverage. This proposal is 600 s.f. less in coverage in comparison to the neighboring property.

As a part of this application there is a proposed rear deck, and situated in the southwest corner of property will be a patio with an inground pool which will be 18 feet from the side property line, a location which was determined by the location of the approved code compliant septic system. J Wren stated that because of the ledge on the southwest corner of the property and the existing stone retaining wall, the location of the septic is limited to the southeast corner of the property. J Wren stated that situated on the northwest corner of the property is a turn-around area. The existing house is 8 feet from the property line, although the legal notice states 6 feet, which is a measurement from the bottom step of two steps.

J Wren read into the record Page 6 of Application, which outlines reason for hardship based on the narrow lot, frontage along two streets, along West Avenue and along South Main Street, and building coverage related to the two car garage. The property is sandwiched between two roads and the topography as related to exposed ledge and placement of the septic system is limiting.

It was noted that there is reference in the proposal to a living space above the ground and J Wren noted that the proposed actual use is for a single family house.

Denise VonDassel who presented stated that the applicant wants the option to have the structure set up so as to allow lodging for caretaker. D VonDassel stated that house design was based on the location of the septic system. The garage will be located on the west side of the property because it was the only logical, available area and the adjacent property at 10 West Avenue has their garage in the same location, making this proposal garage to garage. D VonDassel stated that the first floor living space of the proposed house is almost the same as what exists, as there is a total of 12 s.f. of additional living space. There was a brief discussion related to the proposed outdoor living space location related to the topography. The proposed pool is 9' x 18' of water. D VonDassel stated at this time she is not requesting a variance for an apartment above the garage. The existing house built in 1840.

M Wells questioned if the ZEO reviewed the plans and if so, did he question the living space above the proposed garage. J Wren stated that the ZEO did not question the proposed living space.

M Wells stated that there are number of conditions related to size of lot and the size of house for allowance of an apartment within the VR zone, and that criteria is all a part of the special exception process. M Wells noted that perhaps the ZEO did not consider an apartment because there is an entrance to the upstairs. This plan shows that you can walk directly into this proposed space over the garage from the second floor, which makes it an extended space. M Wells noted that if the applicant wished to rent that space, they would be required to apply for and go through the special exception process. M Wells noted that at this time there is no variance requested for this use.

M. Wells stated that if the Board were to consider approval, they could make it a condition of the approval that the variance is not being approved as an apartment, however this room is intended as additional living space. M Wells noted that this proposal is designed as a 4-bedroom house. If the space in question were to be used as an apartment, the septic must be designed for multi family, and this septic subject to this proposal is approved for a single-family house.

D VonDassel stated that she will cross off the proposed apartment and initial the plans.

W T Furgueson asked if anyone wished to speak in favor or opposition to this application.

Tom Nichols, 10 West Avenue stated no objection to this proposal.

There was no further public comment.

There were letters received on behalf of this application.

P Schaller stated that he has issue with the hardship associated with this proposal.

P Beckman stated that the proposed garage is a reasonable use.

It was noted that the hardship associated with this proposal is the exposed ledge, the location of septic system, the resolution of the vehicular safety issue in that the applicant is pulling the house back and making the property more conforming. The vintage of the house is 1840 which is prior to zoning regulations.

There was no further comment from the Board.

The public hearing closed at 7:55 pm.

2. REGULAR MEETING

P Beckman stated for the record that he worked on the applicant's political campaign however he will not recuse himself from voting on this proposal as there are no financial dealings.

It was noted that this proposal presents a vehicular safety resolution.

It was stipulated that there will be no approval granted for an apartment, and recognizing the stipulated variances, the Board will request that the applicant strike all references on the plan to an apartment, and initial said plan.

- **MOTION** made by w Feirer to approve **Application #18-20** on behalf of 8 West LLC, property situated at 8 West Avenue, Essex, CT Assessors Map 32, Lot 59, VR District requesting a variance to sections 40C 40D 40E 40I.1, 40Q, 50D and 60B of the zoning regulations to locate a newly constructed house to a point 6 feet from the west side of the property line where 25 feet is required to a point 18 feet from the front property line where 30 feet is required and to a point 16 feet, 5 inches from the east side property line where 25 feet is required. Also to allow the new house to have 20.9% building coverage where 10% is the maximum building coverage allowed. Also, to allow a new swimming pool to a point 18 feet from a property line where 20 feet is required. The hardship associated with this proposal involves the small lot. This approval is conditioned on all references to the apartment being stricken from the plan and having done so, initialed by the applicant on said plans. This proposal is approved in accordance with the plans as submitted and amendments made at this evening's meeting; **SECONDED** by P Beckman; **IN FAVOR:** P Schaller, W Feirer, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

3. NEW BUSINESS

- No new business.

4. OLD BUSINESS

- **Approval of the October 16, 2018 Minutes**

MOTION made by G Wendell to table review and approval of the October 16, 2018 meeting Minutes; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 6-0-0.**

- **Election of Officers**

MOTION made by W Feirer to nominate W T Furgueson as chair; **SECONDED** by P Beckman; **IN FAVOR:** P Schaller, W Feirer, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

MOTION made by W T Furgueson to nominate B Sarrantonio as vice chair; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 6-0-0.

MOTION made by W T Furgueson to nominate W Feirer as secretary; **SECONDED** by P Beckman; **IN FAVOR:** P Schaller, W T Furgueson, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

It was noted that the next regularly scheduled meeting will be conducted on January 15, 2019.

5. CORRESPONDENCE AND INVOICES

There was no correspondence or submission of invoices.

6. ADJOURNMENT

MOTION made by P Beckman to adjourn the meeting at 8:19p.m.to the next regularly scheduled meeting which will be held on Tuesday, January 15 2019 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **IN FAVOR:** P Schaller, W T Furgueson, W Feirer, G Wendell, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 6-0-0.

Stella C Beaudoin
Recording Secretary