



TOWN OF ESSEX
Zoning Board of Appeals

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

Regular Members
Philip P. Schaller
Brian Weinstein

Alternate Members
Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

Minutes
November 19, 2019 – Zoning Board of Appeals

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 19, 2019 at 7:00 p.m. in Room B of the Essex Town Hall. Seated: B. Sarrantonio, W. Feirer, Phillip Schaller, Phillip Beckman, George Wendell.

Staff:

Sylvia Rutkowska, Legal Counsel

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

1. PUBLIC HEARINGS

- **Application No. 19-28** on behalf of Peter Glyman and Ruth Ann Paulin 20 Main Street Essex, CT Assessor's Map 47, Lot 68 VR and EV Districts, requesting variances to sections 40D, 40E, 40I.1 45D.4, 50D and 60 B of the zoning regulations to add a second story to a building that is already to a point 10 feet from a north side property line and to a point 20 feet from a south side property line, each where 25 feet is required. Also, to allow a porte cochere to a point 10 feet from the southside property line where 25 feet is required. Also, to allow an existing detached accessory structure that is within 15 feet of a side property line to have an accessory dwelling unit. (Decision to be made by December 24th)

This property is located in two zoning districts, Essex Village and Essex Residential. This application is to add a second story to an accessory garage and to add a porte cochere to the south side of the building. The intent of the second story is to add an accessory dwelling unit.

Legal counsel for the applicant stated that the Essex Plan for Conservation and Development encourages accessory dwelling units. The unit would be used by the applicant's mother who suffers with Parkinson Disease. The current garage footprint would be maintained and the new roof line would be changed for minimal adverse visual impact. A new septic system would be added for the new dwelling. The existing shed will be removed. The applicant and their architect met with the north side abutting homeowner, Natalie and Sam Golding to help accommodate any adverse affects

created by this proposal. Construction would take place during the 6 month period for which the Goldings were not in residence.

Counsel stated that the residents within the village expect access to small apartments. The addition will not impact the current property coverage and he stated that the hardships were the conflicting zoning regulations as the property is situated within two zoning districts. The removal of the shed would eliminate a non-conformity.

Edward Cassella attorney for Natalie and Sam Golding presented in opposition to this proposal and read a letter into the record stating the same. Attorney Cassella stated that the application should be denied for the following reasons: 1) Based on case law there is no undue hardship; 2) there are other locations available on the property; 3) the house has a second and third floor plus basement that is available for an apartment; 4) the garage is currently non-conforming and should not be expanded; 5) the Goldings view of Middle Cove would be negatively impacted, and 6) this is not the only property in Essex Village that is situated in two zoning districts.

Ruth Ann Paulin co-applicant with Peter Glyman, stated that the basement and attic are not livable space. R Paulin and P Glyman recently purchased the house because it was situated in the Essex village with access to walking, shopping, restaurants and the property offered a potential space for installation of an apartment.

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

There was no public comment.

Chairman Furgueson read letters from John Cacase and Dana Krite in support of this application.

There was no further comment from the Board.

The public hearing closed.

- **Application No. 19-29** on behalf of A J Shea Construction, for Emme L. Deland, 17 West Avenue, Essex CT, Assessor's Map 32, Lot 34, VR District, requesting variances to sections 40D, 40E, 40I.1 45D.4, 50D and 60B of the zoning regulations to add dormers atop a detached garage that is to a point 7 feet from the east side property line where 25 feet is required. Also, to all the same existing detached garage that is within 15 feet of a side property line to have an accessory dwelling unit only by eliminating the garage function. (Decision to be made by December 24th)

W Feirer recused himself from this application.

Joe Shea who presented on behalf of this application explained the history of the building noting that there was no intent originally for conversion of an accessory apartment. However, the property owners wish to create an accessory apartment adding two dormers for light. The existing would be maintained and the attached pool house has a bathroom. Joe Shea stated the hardship is related to the location of the septic system which prevents placement of the building in a location that conforms with the zoning regulations.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed.

- **Application No. 19-30** on behalf of Ryan Oats, 30 Blake Street Ivoryton, CT, Assessor's Map 39, Lot 14, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B of the zoning regulations to replace an existing shed with a new detached deck platform to a point 20 feet from the north side property line where 25 feet is required. (Decision to be made by December 24th)

Ryan Oates who presented stated that he proposes to demolish a shed and replace with a freestanding deck structure. R Oates informed the Board that he considered other options but due to the topography of the land which slopes downward, and so as to avoid obscuring the neighbor's sight lines, this proposal presented the best option. R Oates stated that the hardship associated with this proposal is the topography of the land along with the fact that he will be reducing a non-conformity by removing the shed.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The Public Hearing closed.

2. Regular Meeting

Discussion and possible decision on applications:

- **Application No. 19-28** on behalf of Peter Glyman and Ruth Ann Paulin 20 Main Street Essex, CT Assessor's Map 47, Lot 68

Tim Furgueson stated that the applicant recently purchased property and should have considered the restriction on accessory dwellings.

Phil Beckman questioned if the accessory dwelling was not to be approved would this prohibit the owner's from enjoyment of a reasonable use of the property.

Phil Schaller stated his concern over the impact on the neighborhood

MOTION made by P Beckman to deny **Application No. 19-28** on behalf of Peter Glyman and Ruth Ann Paulin 20 Main Street Essex, CT Assessor's Map 47, Lot 68, VR and EV Districts, requesting variances to sections 40D, 40E, 40I.1 45D.4, 50D and 60 B of the zoning regulations to add a second story to a building that is already to a point 10 feet from a north side property line and to a point 20 feet from a south side property line, each where 25 feet is required. Also, to allow a porte cochere to a point 10 feet from the southside property line where 25 feet is required. Also, to allow an existing detached accessory structure that is within 15 feet of a side property line to have an accessory dwelling unit. Denied due to lack of hardship; **SECONDED** by B Sarrantonio; **IN FAVOR:** P Beckman, P Schaller B Sarrantonio, W Feirer; **OPPOSED:** W. T. Furgueson **ABSTAINING:** None; **MOTION CARRIED** 4-1-0.

- **Application No. 19-29** on behalf of A J Shea Construction, for Emme L. Deland, 17 West Avenue, Essex CT

Phil Beckman spoke again at this proposal related to violation of several regulations and noting that the Town does not encourage the placement of an accessory dwelling on a small lot.

Phil Schaller stated his concern over the impact of precedence set in the allowance of construction of a garage that has been permitted via issuance of a variance and subsequent to construction of the garage, the issuance of a second variance to construct an accessory apartment. Tim Furgueson agreed with this concern.

Counsel for the applicant suggested that the Board approve the addition of dormers but deny use as an accessory apartment.

MOTION made by B Sarrantonio to deny the proposal for an accessory apartment, however to approve the addition of the dormers for **Application No. 19-29** on behalf of A J Shea Construction, for Emme L. Deland, 17 West Avenue, Essex CT, Assessor's Map 32, Lot 34, VR District, requesting variances to sections 40D, 40E, 40I.1 45D.4, 50D and 60B of the zoning regulations to add dormers atop a detached garage that is to a point 7 feet from the east side property line where 25 feet is required. Also, to all the same existing detached garage that is within 15 feet of a side property line to have an accessory dwelling unit only by eliminating the garage function. This proposal is not consistent with the Comprehensive Town Plan and zoning regulation 45D.4; **SECONDED** by G Wendell; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, G Wendell, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 19-30** on behalf of Ryan Oats, 30 Blake Street Ivoryton, CT,

The Board was in agreement that the grade of the land creates a hardship.

MOTION made by W T Furgueson to approve **Application No. 19-30** on behalf of Ryan Oats, 30 Blake Street Ivoryton, CT, Assessor's Map 39, Lot 14, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B of the zoning regulations to replace an existing shed with a new detached deck platform to a point 20 feet from the north side property line where 25 feet is required. The hardship associated with this proposal is related to the topography of the land and the proposed reduction of a nonconformity. This proposal is approved in accordance with the plans

as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, G Wendell, P Schaller; **ABSTAINING:** None; **OPPOSED:** None; **MOTION CARRIED** 5-0-0.

3. New Business

- Election of Officers

MOTION made by B Sarrantonio to nominate W. T. Furgueson, Chair; W Feirer, Vice Chair; P Schaller, Secretary; **SECONDED** by G Wendell; **IN FAVOR:** W T Furgueson, G Wendell, W Feirer, P Schaller, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- Approval of 2020 meeting calendar

MOTION made by W Feirer to approve the 2020 meeting calendar; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, G Wendell, W Feirer, P Schaller, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

4. Old Business

- Approval of Minutes – October 15, 2019

MOTION made by W Feirer to approve the October 15, 2019 Minutes as presented; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, G Wendell, W Feirer, P Schaller, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

5. Correspondence and Invoices

There was no correspondence and there were no invoices.

6. Adjournment

MOTION made by W T Furgueson to adjourn the meeting at 7:45p.m.to the next regularly scheduled meeting which will be held on Tuesday, December 17, 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:** W T Furgueson, G Wendell, W Feirer, Phillip Schaller, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella A Caione
Recording Secretary