

**ZONING BOARD OF APPEALS
REGULAR MEETING
Draft Minutes
July 14, 2015**

Seated for the meeting were Chairman Matthew Berger (arrived 7:09 pm.), Russell McDonough, Bill Lyman, Virginia McCormack, Lynn Conway. Zoning Enforcement Officer Candace Palmer was also present.

Lynn Conway read the call to order at 7:03pm.

Ms. Conway moved to move item 7 (Review of meeting minutes) up on the agenda. Mr. Lyman moved to approve the minutes of the June 9, 2015 meeting, seconded by Mr. McDonough, all in favor 5-0, motion approved.

Public Hearing:

ZBA #15-10 John H. & Chulaluk Roy – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 40' to 24' for construction of new covered porch and stairs to replace existing steps on residence. Property located at 18 Pheasant Run Rd., Stonington. Assessor's Map 148 Block 3 Lot 16; Zone RA-40.

Ms. Palmer summarized the application, the lot was approved in a 73 lot re-subdivision, which consisted of multiple zones and were approved in the RM-20 and RA-40 zones, the subdivision was later approved to have all lots be zoned to RA-40 causing a third of the homes to be non-conforming.

The applicant presented their application explaining that their front steps are deteriorating and would like to update their home with a covered porch entrance similar to many homes in the neighborhood. The home is previously non-conforming therefore the porch would extend the current front yard setback by six feet. The applicant presented pictures of other homes in the neighborhood as well as a digital rendering of what the porch would look like. Mr. Roy presented two letters of support from neighbors that are closest to the home.

Ms. Conway asked the applicant to state the hardship. The applicant stated that the current steps and landing are deteriorating and do not leave sufficient space for entering the home and will aid with inclement weather. Due to the property not being built to the zone it is now in, they must work with the RA-40 zone.

Mr. Lyman stated that the situation provided by the change in zoning has caused the applicant a hardship.

No Public Comment

Mr. Lyman moved to approve the application, seconded by Mr. McDonough, Mr. Lyman stated due to the hardship and that the addition will be in line with the neighborhood he supports the application, all in favor 5-0, motion approved.

ZBA #15-11 Darlene Orlando (Thomas Ahlgren) – Seeking a variance from ZR 5.1.1 to increase the F.A.R. from allow .25 (existing .36) to .37 for a 48s.f. addition to a single family residence. Property located at 41 Palmer St., Pawcatuck. Assessor’s Map 4 Block 3 Lot 18; Zone RH-10.

Ms. Palmer summarized the application, all lots in the neighborhood with the exception of one are undersized due to their existence prior to zoning and the addition would only increase the floor area by 48 square feet. If the lot was the correct size for the zone they would have plenty of gross floor area available.

The applicant explained that she is need of a bathroom off the master bedroom to accommodate her husband who is in a wheelchair and needs to have accessibility. Mrs. Orlando presented letters of support from several of their surrounding neighbors. The addition would mostly face garages on the back of the property.

No Public Comment

Ms. McCormack moved to approve the application, seconded by Ms. Conway, Mr. Lyman spoke in support of the application due to the size of the lot and the small increase, Mr. Berger stated that the handicap accessibility is necessary, all in favor 5-0, motion approved.

ZBA #15-12 Anna & Rolando deOliveira (John Bates) – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30’ to 24.5’ for single family residence. Property located at 45 Lathrop Ave., Pawcatuck. Assessor’s Map 14 Block 6 Lot 7; Zone RA-15.

Ms. Palmer summarized the application, stating the due to the unique nature of the lot causing them to have three front yards, if the side in question was a side yard setback the requirement would only be 10 feet. They were approved to have the home moved on the lot due to ledge discovered on the lot.

Mr. Bates, contractor on the project explained that due to this ledge the home needed to be moved to avoid blasting. Blasting would compromise the integrity of their neighbor’s home. Mrs. deOliveira stated that they have done what they could to accommodate the home following the discovery of the ledge. The property behind them is owned by the Town and could be developed therefore there is a paper street running between their property and their neighbor causing the additional front yard setback. The land does not allow for development easily. In adjusting the home to not hit the ledge, the home became too close the property line.

No Public Comment

Ms. Palmer stated the house has been completed and the change in position was discovered during a survey prior to being issued a certificate of occupancy.

Ms. Conway moved to approve the application, seconded by Ms. McCormack, Mr. Berger stated that typically contractor errors are not a hardship but remedying the error would lead to demolition and full rebuild, all in favor 5-0, motion approved.

ZBA #15-13 Mark Steinmetz – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30' to 17' for reconfiguration of an existing roof on an accessory building. Property located at 501 Greenhaven Rd., Pawcatuck. Assessor's Map 8 Block 1 Lot 20; Zone RA-20.

Ms. Palmer summarized the application, the applicant would like to adjust the roofline of the garage to allow for snow to be shed. No floor space could be added due to the FAR being at the maximum allowed currently.

Mr. Steinmetz stated that the home predates zoning and he has two front yards. He intends to repair the roof creating a peaked roof to allow for snow to be shed. The roof would not be any closer to the street but the home is non-conforming currently therefore requires a variance.

No Public Comment

Mr. Lyman moved to approve the application, seconded by Mr. McDonough, Ms. Conway stated the structure would not increase the issue and that the structure predates zoning, all in favor 5-0, motion approved.

ZBA #15-14 Town of Stonington – BOE (Ken Donovan, Agent) – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 75' to 23' and side yard setback from 30' to 19' for (2) 28' X 68' temporary modular classrooms and connecting structures. Property located at West Vine Elementary School, 17 West Vine St., Pawcatuck, CT 06379. Assessor's Map 2 Block 1 Lot 3; Zone GBR-130.

Ms. Palmer summarized the application, due to the requirement for ADA access and the proposed areas of construction for the addition, the temporary classrooms could not be located outside of the setbacks. The commission discussed the fact a variance is permanent although the need is temporary.

Mr. Riley, Superintendent of Schools explained the need for the temporary classrooms and why they needed to be placed in this location. The portable classrooms will be leased and removed at the finish of construction. There would need to be ramps to the building for handicap accessibility.

General Public Comment

Tom Fiore questioned whether the Town would be able to place a permanent structure where the portables are located. Mr. Riley explained that although the building plans are not complete they do not plan to build in the area of the portables. Mr. Fiore questioned where the parking will be relocated with the placement of the temporary classrooms. Mr. Riley presented the temporary plan for parking expanding the current parking.

Christine Courier questioned the permanent additions. Mr. Riley stated the school will be a K-5 school and plans for the future structure can be obtained from their office.

Mr. Riley stated that the temporary parking will be in this location to allow for no interference with construction.

Mr. Lyman moved to approve the application, seconded by Mr. McDonough, Mr. Lyman raised his concern with the fact the variance is permanent however this need is temporary, Ms. Conway stated that she agrees but sees that this could happen in many situations, Mr. Berger stated that the town must abide by its own regulations and it does not look like they would be doing this to use the space in the future, all in favor 5-0, motion approved.

The meeting was adjourned at 8:34pm.