

ZONING BOARD OF APPEALS

REGULAR MEETING

Final Minutes

September 12, 2023

Stonington Police Station, 173 South Broad St., Pawcatuck, CT

The meeting was called to order at 7:00 PM.

Seated for the meeting were, Chairman James Kading, Nat Trumbull, James Stanton for Raymond Dussault and Anthony Caporale for Jeff Walker. ZEO, Candace Palmer, was also present.

Administrative Review: None

New Business:

- a. **ZBA #23-08 Jeffrey Muir / William R. Sweeney, Esq.** – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 20% to 22.5% in order to construct a 484 SF 2nd floor addition and install a 10' x 10' utility shed. Property located on 7 Robin Street, Pawcatuck, CT 06379. Assessor's Map 36 Block 6 Lot 11; Zone RA-20 / RA-15 Applies.
- b. **ZBA #23-09 Brian Stafford / William R. Sweeney, Esq.** – Seeking a variance from ZR 7.7.8.3.2 to lower the elevation of the bottom of the lowest horizontal member from 15ft to 14.4ft for a newly constructed single-family residence. Property located at 3 Roseleah Drive, Mystic, CT 06355. Assessor's Map 175 Block 1 Lot 1; Zone RC-120.
- c. **ZBA #23-10 Josepine Mineo** – Seeking a variance from ZR 3.1.4.2 to reduce the non-infringement area from the required 100' to 18' in order to construct an in-ground swimming pool and patio. Property located at 42 Harborview Terrace, Stonington, CT 06378. Assessors Map 104 Block 5 Lot 5; Zone RM-20 / RC-120.
- d. **ZBA #23-11 Berstev LLC** – Seeking a variance from ZR 5.1.1 to reduce the rear yard setback from 5' to 0' and increase the floor area ratio from 50% to 84% to construct a wood storage area and to cover existing smokers. Property located at 4 Roosevelt Avenue, Mystic, CT 06355. Assessors Map 174 Block 17 Lot 4; Zone LS-5.

All new business was accepted and scheduled for public hearing on October 10, 2023.

Old Business: None

Public Hearing:

- a. **ZBA #23-07/CAM Paul Dzurec & Ruth Peterle-Dzurec** – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 15% to 16%, reduce Front Yard setback from 30' to 11', and increase maximum building height from 30' to 38' and ZR 7.7.8.3.1 from 100' to 15.6'. Property located on 29 Lindberg Road, Stonington, CT 06378. Assessor's Map 129 Block 2 Lot 7; Zone RM-20 / RC-120.

Paul Dzurec-co-owner, spoke about the history of the lot and how he and his family came to live there.

Ruth Peterle-Dzurec, co-owner gave an explanation as to previous flooding during a storm and realizing the need to lift the house to make it FEMA complaint for the flood zone. To do this, the house needs to be lifted to the base flood elevation of 14 plus 1 foot. This makes the house exceed the height for the zone. They also need a front yard setback to accommodate the stairs required to access the raised door. They will not be exceeding the current front yard setback. They would like to enclose an area on the second floor where there is currently a flat roof. This will help stabilize the roof during heavy wind and rain storms. The house will stay in the same location which is within 100' from the CJL and the work exceeds substantial improvement.

Comments in Favor: Edith Morren, 9 Oak St, read a letter and submitted a copy [exhibit 2].

Comments Against: None

General Comment: Carol Allen, owns the lot next to the house. She questioned how the activity would affect her lot.

Rebuttal: None

The Public Hearing was closed at 7:32 PM.

Jim Stanton made a motion to approve for the following reasons and one stipulation, seconded by Anthony Caporale:

1. Approval of the variance increases the public health, safety, welfare, and value of the surrounding properties, as well as the health safety and welfare of the occupants.
2. Approval of the variance eliminates multiple flood hazard non-conformities.
3. Approval of the variance removes the existing shed located in the 10' side yard setback.
4. This approval is only for variance #23-07.

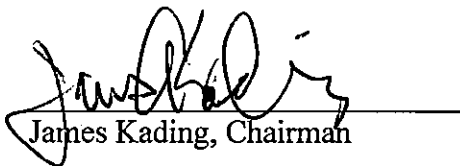
Motion passed unanimously.

Correspondence: None

Discussion: Approval of 2024 Meeting Calendar – Motion to approve by Anthony Caporale, seconded by Nat Trumbull. Motion passed unanimously.

Review of meeting minutes: 7/11/23 - Motion to approve by Anthony Caporale, seconded by Nat Trumbull. Motion passed unanimously.

Adjournment: Jim Stanton made a motion to adjourn the meeting, seconded by Anthony Caporale, Motion passed unanimously. The meeting was adjourned at 7:47 PM.



James Kading, Chairman