

## **ZONING BOARD OF APPEALS**

### **REGULAR MEETING**

#### **Final Minutes**

**April 12, 2022**

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

Present for the meeting were James Kading, Jeff Walker, Nat Trumbull, Mark Mitsko, Raymond Dussault (arrived 7:09 pm), James Stanton, Alternate (Seated then unseated upon R. Dussault's arrival), Anthony Caporale. Zoning Enforcement Officer Candace Palmer was also present.

Seated for the meeting were James Kading, Jeff Walker, Nat Trumbull, Mark Mitsko, and Raymond Dussault.

The meeting was called to order at 7:00 p.m. at the Stonington Police Station.

#### **New Business:**

**ZBA#22-04 John M. Greeley (David Atkinson-Architect)** – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 50' to 42' and 47' to construct two additions. Property located on 246 Montauk Avenue, Stonington. Assessor's Map 133 Block 4 Lot 8; Zone RR-80.

**ZBA#22-05 James O. Jaczinski & Anne M. MacPeck (Brian D. Florek, LS-Agent)** – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 75' to 59', Side Yard setback from 30' to 7', 70' to 42' to attach existing garage to house and construct second floor. Reduce Side Yard setback from 70' to 12' for construction of a new detached garage. Property located on 138 South Anguilla Road, Pawcatuck. Assessor's Map 37 Block 1 Lot 6; Zone GBR-130.

**ZBA #22-06 Scott & Catherine Jakubek (Thomas C. Lyon-Agent)** – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 5' to construct landing and stairs. Property located on 65 Wolcott Avenue, Stonington. Assessor's Map 127 Block 12 Lot 7; Zone RM-20 (RH-10 applies).

The applications were received and scheduled for public hearing on May 10, 2022.

#### **Public Hearing:**

**ZBA#22-03 David T. Bessette** – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from existing 0.049 to 0.055, reduce Side Yard setback from 75' to 12' & 72' and reduce Non-Infringement Area from 100' to 35' to construct a 16' x 24' gazebo. Property located on 18 Stewart Rd., Pawcatuck. Assessor's Map 11 Block 1 Lot 6; Zone RC-120.

David Bessette, property owner, presented the application. Mr. Bessette has owned the property since 1977 and was previously RA-4 with 100' frontage requirement, 15,000SF lot and GFAR of 15%. He was then re-zoned as RC-120 and became non-conforming. The lot is undersized for the zone at an acre and a half. The applicant is requesting these changes to be in line with what he originally had when the house was built and is still more than the RA-20 zone which is right across the street and also has a FAR of 15% compared to his RC-120 which only allows 4%. The proposed increase would still be less than the requirements of the RA-20 across the street and the RR-80 zone which is a similar size lot and his original RA-4. The applicant has received a wetland's permit as well for the project. The lot is not eligible for 2.9 relief because it did not exist prior to 1960 and was created in 1971. The applicant is proposing to construct a gazebo with no walls.

No Public Comment.

Mr. Kading closed the public hearing.

Mr. Walker moved to approve application ZBA #22-03 for a variance from ZR 5.1.1 to increase Floor Area Ratio from existing 0.049 to 0.055, reduce Side Yard setback from 75' to 12' & 72' and reduce Non-Infringement Area from 100' to 35' to construct a 16' x 24' gazebo, as:

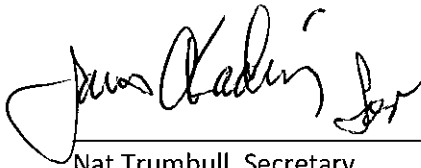
1. Hardship was created when a conforming approved lot was made non-conforming by a subsequent zone change.
2. The long narrow shape of the lot prohibits any development.
3. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.
4. Adjacent neighbor is in favor.

Seconded by Mr. Mitsko. The vote was taken all in favor 5-0. Motion approved.

Minutes:

Mr. Trumbull moved to approve the minutes of the March 8, 2022 meeting, seconded by Mr. Walker, all in favor 5-0. Motion approved.

Mr. Walker moved to adjourn, seconded by Mr. Mitsko, all in favor 5-0. The meeting adjourned at 7:31 p.m.

A handwritten signature in black ink, appearing to read "Nat Trumbull", is written over a horizontal line.

Nat Trumbull, Secretary