

**ZONING BOARD OF APPEALS
SPECIAL MEETING
Final Minutes
July 8, 2014**

Commissioners present for the meeting were Jack Guyol, Matthew Berger, Virginia McCormack, Russell McDonough, Alternate Bill Lyman and Zoning Enforcement Officer Candace Palmer.

Chairman, Jack Guyol, called the Executive Session to order at 6:45 p.m. Lynn Conway arrived at the end of executive session,

The Regular meeting began at 7:06 p.m. Lynn Conway read the call for the public hearing.

Public Hearings:

ZBA #14-09: Applicant Matthew M. Mareka; Owner Lisa M. Smith – Seeking a variance from ZR 5.1.1 to reduce left side yard from 75 ft to 26.9 ft.; right side yard from 75 ft to 13.7 ft.; rear yard from 100 ft to 86 ft; front yard from 75 ft to 40 ft, also ZR 3.1.4.2 to reduce the 100' non-infringement from 100' to 35' to allow exterior improvements and ZR 2.13.4 to allow exterior stairs on side of existing structure. Property located at 20 Jackson Ave., Mystic. Assessor's Map 182, Block 1, Lot 3; Zone RC-120/LS-5.

Staff summarized the application in detail, stating the majority of property is in RC-120 zone; therefore, it is controlled by RC-120 bulk regulations. The application file was submitted as Exhibit #1.

Mr. Demain Sorrentino, soil scientist, represented the applicant. He submitted all return receipts slips to staff. He submitted the following exhibits: Exhibit #2 - photo of deck, Exhibit #3 - Building official approval, and Exhibit #4 - letter of support from neighbor Joan Durrant. Mr. Sorrentino explained the overall plan for the property; although, the only immediate construction planned is the rear deck to make it compliant with fire codes. A 4 foot fence is proposed for pet containment. All improvements are in keeping with surrounding neighborhood and intended to beautify the property.

There was no one speaking in favor or opposition.

General Comments: Neighbor, Joan Durrant, inquired about the fence location.

The public hearing was closed. The commission had a discussion on all issues of the property and the hardship claimed on each area.

Mr. Berger moved to approve the variance for the rear stairs/deck as shown on the application and approve the alternate location for the side deck steps. He also moved to deny the remaining variances of the application. Ms. McCormack seconded. Mr. Guyol moved to add an amendment to the motion to include the 4 foot fence as shown on drawing. Mr. McDonough seconded this amendment. The vote on the amendment for the fence was approved 4-1, with Mr. Berger opposed. The vote on the initial motion was approved unanimously. The following is the list of variances that were approved and denied in the motion.

- 1) APPROVED - ZR 5.1.1 for left side yard setback to move access stairs to existing deck.
- 2) APPROVED - ZR 5.1.1 & 2.13.4 for right side and rear yard setbacks to construct exterior 3-story access stairs.
- 3) APPROVED - ZR 3.1.4.2 for construction of fence within non-infringement area.
- 4) DENIED - ZR 3.1.4.1 pavement within non-infringement area.
- 5) DENIED – ZR 5.1.1 for front & side yard setback for enlargement of existing deck

New Business:

ZBA #14-11 James A. Hall IV (Jeanne Fellows Grills) – Seeking a variance from ZR 4.3.4.3 to reduce the buffer requirement from 15' to 0' for a Special Use Permit for a restaurant with liquor sales. Property located at 100 West Broad St., Pawcatuck. Assessor's Map 4 Block 5 Lot 5; Zone LS-5.

ZBA #14-10 BETR Properties LLC – Seeking a variance from ZR 5.5.1.1 to reduce the front yard setback from 75' to 39'; to reduce the north side yard setback from 75' to 40.9'; to reduce the south side yard setback from 75' to 60.8' and to reduce the rear yard setback from 100' to 58.3' and from Section 3.1.4.2 to reduce the non-infringement area from 100' to 41' for proposed deck. Property located at 110 Hewitt Rd., Mystic. Assessor's Map 152 Block 2 Lot 10; Zone RC-120.

Mr. Berger moved to accept the new applications. Ms. Conway seconded. All in favor 5-0.

Review of meeting minutes: 6/10/2014: Mr. Berger moved to accept the minutes. Mr. McDonough seconded. All in favor 4-0-1, with Mr. Berger abstaining due to his absence.

Adjournment:

Mr. McDonough motioned to adjourn the meeting. Mr. Berger seconded the motion. All in favor 5-0. The meeting adjourned at 8:11 p.m.



Lynn Conway, Secretary