

**ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
January 8, 2019**

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

Present for the meeting were Bill Lyman, Mark Mitsko, Virginia McCormack, Russ McDonough, Jeff Walker, and Raymond Dussault. Zoning Enforcement Officer Candace Palmer was also present. Meeting called to order at 7:00 p.m.

Seated for the meeting were Bill Lyman, Mark Mitsko, Virginia McCormack, Russ McDonough, and Raymond Dussault seated for James Kading.

New Business:

ZBA #18-17 Jonathan Ball & Elizabeth Gartzke (Robert Mercer-Agent) – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 20% to 22.6% and reduce Front Yard setback from 30' to 18'3" to construct a 52 sq. ft. addition. Property located on 2 Hickory Ledge Rd., Mystic. Assessor's Map 177 Block 6 Lot 1; Zone RA-20 (RA-15 applies).

ZBA #19-01 Daniel & Jennifer Wilson (Frederick Price-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 30' to 15' to construct a shed. Property located on 2 Plover Lane, Mystic. Assessor's Map 176 Block 2 Lot 7; Zone RA-20.

The applications were accepted and scheduled for public hearing February 12, 2019.

Public Hearings:

ZBA #18-15 & CAM Brian J. Stafford (William R. Sweeney, Esq.-Agent) – Seeking a variance from ZR 5.1.1 front yard setback from 20' to 10', ZR 3.1.4.2 Non-infringement area from 100' to 13' and ZR 7.7.8.3.1 Coastal Jurisdiction line setback from 100' to 15' for construction of a single-family residence. Property located on Roseleah Drive, Mystic. Assessor's Map 175 Block 1 Lot 1; Zone RC-120 (RH-10 applies).

Attorney Sweeney presented the application. The applicant is requesting to build a modest one-bedroom cottage to be constructed on site. The lot was purchased by the applicant in October of 2016. The parcel was created as part of the Mystic Shores development in 1930, and it exists today as it did then. This lot was created prior to all zoning regulations. The applicant is protected by state law to make reasonable use of their property. They are granted 2.9 relief due their undersized lot, but must meet buffer requirements. If they cannot, they must try to minimize variances as much as possible, which the applicant believes they have done. The lot is half comprised of tidal wetlands which cannot be built upon. Additionally, the 100-foot buffer for the Coastal Jurisdiction Line and Non-Infringement Area, cover the entire lot, making it impossible for them to make use of without variances. They are asking for the front yard setback to pull the home as far from the coast as possible.

General Comment:

Ben Tamsky, neighbor up the road stated he fears there are broad implications for approving variances in this neighborhood. He also asked that the staff report be provided for the further details.

Public Comment Against:

Dennis Regan, resident of the neighborhood stated that it is a challenging area for a home to be built and he is concerning with water on the property, sea level rise, storms, and sewer access.

Robert Johnson, neighbor on Jerome Avenue stated his concern that he has a similar lot down the street but has been unable to build due to the buffer. He also has noticed water on the property.

Rebuttal:

Attorney Sweeney stated that he does see this as creating broad implications for precedence due to the nature of variances. The property is indeed in a V-zone; however, the property will be modern, resilient and elevated in comparison to existing properties. Hurricanes are indeed a reality, but we now have the ability to be forewarned, prepare and evacuate. Diane Iklovic, the flood insurance program coordinator has made the statement that the proposed structure is FEMA compliant. Mr. Sweeney stated that if Mr. Johnson's property does include upland area, he may seek relief as well, but cannot comment on it since he does not know the lot. Mr. Sweeney stated the dock structure will be dealt with through CTDEEP.

General Comment:

Ben Tamsky, stated that though this is an individual application, it does set a precedent in his opinion.

Rebuttal:

Mr. Sweeney stated he would not agree that this sets a precedence.

Mr. Lyman closed the public hearing.

Mr. Mitsko moved to approve the application, seconded by Mr. Dussault. Mr. Mitsko stated that he respects the comments of the public, however they are protected to have a reasonable use of the property, and they have proposed a small, modest home. Mr. Dussault stated he agrees that are rights included with the deed and the limited scope of development and meeting FEMA requirements. Ms. McCormack is inclined to support based on their legal right and proposal. Mr. Lyman stated that due to the history of the lot and legal rights, he is in favor. The vote was taken all in favor 5-0, motion approved.

The meeting recessed at 7:58 p.m. and reconvened at 8:01 p.m.

ZBA #18-16 Christopher & Michele Chmielecki (Peter Chomowicz, Agent) – Seeking a variance from ZR 5.1.1 to reduce required 20' front yard setback from existing 9' to 6" for construction of front stairs. Property located on 60 Langworthy Ave., Stonington. Assessor's Map 129 Block 16 Lot 6; Zone RH-10.

Chris Chmielecki, applicant, presented the application. The applicant is requesting to create new entry stairs due to raising the house for FEMA compliant re-construction/modification of a single-family residence. They purchased 60 Langworthy in 2015 and hope to make it their full-time residence. They do not have a history of flooding but would like to be prepared for future storms. He will be bringing to FEMA compliancy if the variance is granted. Seven neighbors wrote letters in favor of the application.

No Public Comment.

Mr. Lyman closed the public hearing.

Mr. McDonough moved to approve the application with the stipulation that the Langworthy Avenue setback be limited to a 19'6" reduction and Hampton Street to 10.5'.

Motion was seconded by Mr. Mitsko. Mr. Mitsko stated it is best for the property and neighborhood and makes sense. Mr. McDonough agreed. The vote was taken all in favor 5-0, motion approved.

Minutes:

Mr. McDonough moved to approve the minutes of the December 11, 2018 meeting, seconded by Ms. McCormack, all in favor 5-0, motion approved.

Mr. Mitsko moved to adjourn, seconded by Mr. McDonough, all in favor 5-0, the meeting adjourned at 8:16 p.m.



William Lyman, Chairman