

**ZONING BOARD OF APPEALS  
REGULAR MEETING**

**Final Minutes**

**April 9, 2019**

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

Present for the meeting were Bill Lyman, Mark Mitsko, Russ McDonough, James Kading and Jeff Walker. Zoning Enforcement Officer Candace Palmer was also present.

Meeting called to order at 7:00 p.m.

Seated for the meeting were Chairman Bill Lyman, Mark Mitsko, Russ McDonough, James Kading and Jeff Walker for Ginny McCormack.

Public Hearing:

**ZBA #19-03 William Corrigan** – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 6' (Downer St.) and 7' (Richmond St.) to construct second story dormers. Property located on 36 Downer St., Pawcatuck. Assessor's Map 3 Block 2 Lot 8A; Zone RH-10.

Mr. Corrigan presented the application. They recently purchased the home to renovate and the second story has a severe lack of head room. The home is very small and they would like to increase the head room and bring the second-floor windows up to code. They would also like to center the staircase and make the home safe. The home was constructed prior to zoning very close to the road on a corner lot. The commission clarified the variance request. Mr. Lyman asked if the peak of the roof will be raised. Mr. Corrigan stated it is just a shed dormer and will not go up any higher.

No Public Comment.

Mr. Lyman stated that after viewing the house, the renovations are very necessary. Mr. McDonough questioned whether they will occupy it, the applicant responded that they weren't certain.

Mr. Lyman closed the public hearing.

Mr. Kading moved to approve the application, seconded by Mr. Mitsko, all in favor 5-0, motion approved.

**ZBA #19-04 & CAM George B. Dunnington, Jr. (Russell E. Sergeant, AIA-Agent)** – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 7.25' and ZR 7.7.8.3.1 Coastal Jurisdiction Line setback from 100' to 14.2' to permit reconstruction of existing single-family residence and garage. Property located on 12 Jerome Ave., Mystic. Assessor's Map 174 Block 23 Lot 16; Zone RH-10.

Mr. Sergeant, project architect, presented the application. The applicant presented photos of the existing home. The home was built prior to zoning and the lot is undersized for its zone. This lot in the subdivision has a unique shape with a very limited building envelope. The applicant is proposing two variances to rebuild the home. This lot, unlike the other subdivided lots does not

have the depth to be outside of the Coastal Jurisdiction line. Rebuilding the home would remove a few other non-conformities as well. The home will be built to FEMA regulations. Mr. Lyman clarified that the garage will be removed. Mr. Sergeant stated that the hardship is the home that existing before zoning, all non-conformities are being reduced, is an undersized lot and has a unique shape. The applicant is willingly rebuilding their home to FEMA standards which is a goal of the Plan of Conservation and Development. The applicant stated they would like some flexibility in the shape of the home, but still stay within the setbacks and variances proposed as well as bulk requirements.

**Public Comment in Favor:**

Amy Dunnington, daughter of the applicant read a letter of support on behalf of her father. The shape of the lot and the cost is prohibitive to keeping the home at its current level. This necessitated it being raised.

Tom Norris, neighbor at One Sylvia Avenue, stated his support for the variances and the difficulty with the non-conformities in the neighborhood that differ from property to property.

No Public Comment Against.

**General Comment:**

Dennis Regan, resident of One Solon Avenue, stated that they should consider the impact of the construction of pilings on the neighboring homes.

**Rebuttal:**

Mr. Sergeant responded and stated he understands the issue and tries to stay away from driving pilings.

Mr. Lyman closed the public hearing.

Mr. McDonough moved to approve the application, seconded by Mr. Kading. Mr. McDonough stated that he would approve to bring the home to FEMA standards. There were no negative comments about the height. Mr. Mitsko discussed the difficulty in renovating under the Substantial Improvement threshold, forcing most homeowners to rebuild. Mr. Lyman stated that the footprint of the lot creates the largest hardship. It is better for everyone to bring the home into compliance. The vote was taken, all in favor 5-0, motion approved.

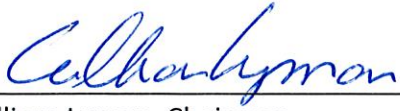
**Correspondence - Londregan Letter:**

Ms. Palmer stated that the letter went out to the board to make it clear that motions should be made in the affirmative. Mr. Lyman also reinforced that reasoning should be given for approval. Ms. Palmer explained the reasoning for adding this with case law on appeals.

**Minutes:**

Mr. McDonough moved to approve the minutes of the March 12, 2019 meeting, seconded by Mr. Walker, all in favor 5-0, motion approved.

Mr. Kading moved to adjourn, seconded by Mr. McDonough, all in favor 5-0, the meeting adjourned at 8:03 p.m.



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William Lyman, Chairman