

**ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**Final Minutes**

**August 14, 2018**

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

Present for the meeting were Matthew Berger, Bill Lyman, Mark Mitsko, Russ McDonough, Jeff Walker. Zoning Enforcement Officer Candace Palmer was also present. Meeting called to order at 7:05 p.m.

Seated for the meeting were Matthew Berger, Jeff Walker (seated for Virginia McCormack), Bill Lyman, Mark Mitsko, and Russ McDonough.

Public Hearing:

**ZBA #18-10 Roderick Desmarais & Cheryl Robdau** – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 25% to 34% and reduce rear yard setback from 15' to 5' for construction of detached garage and mudroom. Property located on 2 Bay Street, Mystic. Assessor's Map 173 Block 13 Lot 4; Zone RH-10.

Ms. Palmer summarized the application. The applicant provided a map of floor area ratios in the neighborhood which is in the staff report.

Mr. Desmarais presented his application and explained the hardship claimed. The properties in the neighborhood are all undersized for the lot and consistently exceed floor area ratios. Out of the five homes that have docks, four of the homes have garages except for the applicant's property. Mr. Desmarais presented photos of the property. Their immediate neighbor has a similarly sized lot, dock and has a garage in the rear approximately the same size they are requesting. The bulk requirements of the zone that was overlaid on a neighborhood that was undersized for the zone and narrow nature of the lot are reasons for a hardship. Mr. Berger questioned when the other garages were built in the neighborhood. Mr. Desmarais stated most were built in the 70s and 80s. He presented a proposed site plan and a photo of the garage at 3 Bay Street. Mr. Desmarais explained that to make reasonable use of the dock associated with his property, a garage or boat shed is necessary to accommodate accessories used in conjunction. The variances would not negatively affect the neighborhood. Mr. Desmarais presented mockups of the planned additions. He plans to model it after their neighbor's home. Mr. Walker questioned the proposed height and the temporary structure on the property. Mr. Desmarais confirmed his garage would not be taller than the neighboring garage and the temporary structure will be removed tomorrow.

Public Comment in Favor:

Frederick Allard, owner of 3 Bay Street stated he has the same lot, same frontage. The homes were built in 1902 and are part of a historic district. Mr. Allard stated that their garage has trusses in the attic area and the dormer is an architectural feature. Their garage was built as a replacement for an existing structure and they were allowed to rebuild within a year. Their garage sits about 2.5 to 3 feet from the property line. Mr. Allard is in favor of the garage. Mr. Allard did not need a variance but 5 Bay Street did and was approved. There was historically a structure in the rear of 2 Bay Street for some time.

Eric Garofano, resident of 45 Holmes Street whose property backs up to the Desmarais's home spoke in support of the application. 43 Holmes Street was granted a variance for a garage about ten years ago.

Eric Garofano clarified that he hopes there will not be any living space on the second floor of the garage.

Adrienne Jamieson, resident of 1 Bay Street spoke in support of the application.

Andy Stockpole, resident of 7 Bay Street spoke in support of the application.

No Public Comment Against.

No General Comment.

Mr. Berger closed the public hearing.

Mr. Lyman moved to approve the application, seconded by Mr. Walker. Mr. Lyman stated his reasoning for approval based on the applicant's hardship and presentation. Mr. Berger and Mr. McDonough stated that they are having a hard time seeing the hardship in the application. Mr. Lyman further stated his reasoning and purpose of the regulations. Mr. Berger further discussed the definition of a hardship in state regulations. Mr. Walker stated that he sees this as the primary function of the board to assist property owners. Mr. Berger stated that because there is some reasonable use of the property, it would not fit the definition. The vote was taken 3-2, the motion failed.

Roll Call: Walker – favor, McDonough – oppose, Berger – oppose, Lyman – favor, Mitsko – favor

Minutes:

Mr. Lyman moved to approve the minutes of the June 12, 2018 meeting, seconded by Mr. Mitsko, all in favor 5-0, motion approved.

Mr. Mitsko moved to adjourn, seconded by Mr. Lyman, all in favor 5-0, the meeting adjourned at 8:00 p.m.



Virginia McCormack, Secretary