

**ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**Final Minutes**

**November 13, 2018**

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

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

Seated for the meeting were Bill Lyman, James Kading, Mark Mitsko, Raymond Dussault (seated for Russ McDonough), and Jeff Walker (seated for Ginny McCormack).

New Business:

**ZBA #18-13 James & Shawna Constantine** – Seeking a variance from ZR 5.1.1 to reduce RC-120 Zone requirements to RR-80 Zone for all residential bulk requirements. Property located on 131 Riverside Dr., Pawcatuck. Assessor’s Map 9 Block 2 Lot 2; Zone RC-120.

**ZBA #18-14 James H. & Beverly A. Dodd** – Seeking a variance from ZR 5.1.1 to reduce side yard setback from 15’ to 4’ for installation of a generator. Property located on 14 Hill Avenue, Stonington. Assessor’s Map 129 Block 18 Lot 4; Zone RM-20 (RH-10 applies).

The public hearings were scheduled for December 11, 2018.

Public Hearing:

**ZBA #18-12 Bengtson Realty Holdings, LLC/Tomas Gates** – Seeking a variance from ZR 6.6.4.1 and ZR 6.6.4.6 to convert existing second floor commercial space into a second residential unit. Property located on 7 Greenmanville Ave. (aka 47 Holmes St.), Mystic. Assessor’s Map 173 Block 13 Lot 8; Zone RH-10.

Ms. Palmer summarized the application. The applicant is requesting two variances to convert an existing second floor commercial space into a second residential unit. Ms. Palmer reviewed the two regulations and the existing conditions.

Mr. Tomas Gates, property owner and Mr. Thomas Taylor presented the application. Mr. Taylor stated the hardship concerning history, bulk and use of the property. The applicant in discussion with staff decided to apply to ZBA rather than planning and zoning, due to the unique nature of the property. The applicant presented plans for the residential use conversion on the second floor. The applicant indicated they would not be placing a bathroom in the attic as shown on the plans.

Ms. Palmer clarified that the regulations have a special use permit process to convert from a non-conforming use to another non-conforming use, however the applicant is requesting to

convert from a non-conforming use to a conforming use.

Public Comment in Favor:

Eric Garofano of 45 Holmes St., stated that commercial struggles in this neighborhood and there are similar residential units in the neighborhood. They would be happy to see another residence.

Adam Strelczuk of 44 Holmes St., spoke in favor and stated that he is in favor of the additional residential use and that it is owner occupied. He discussed success with other units turning into residential.

Public Comment Against:

Fred Allard, resident of 3 Bay Street, stated that he sees this as increase in the bulk and use of the property and discussed the historical use of the property. He is concerned about the short-term rental possibilities and the potential intensity of use. Mr. Allard reviewed the regulations and his recommendation for denying the application. He also recommended converting the building to an accessory structure.

No General Comment:

Rebuttal:

The applicant stated that there is no intention of short-term rental on this property. Mr. Lyman asked the applicant whether the owner considered making the entire structure residential. The applicant had not considered that prior. Mr. Taylor stated there is significant paved space on the property for parking. Mr. Taylor stated that though some businesses have struggled there, it is unfair to decommission the building and write it off as a garage. Mr. Taylor stated that this is unique to the site which is why they are looking for a variance. The owner could intensify the use commercial at this time by right, however he is choosing to use it in a less intense way through mixed residential and commercial use.

Mr. Lyman asked the applicant to expand on the hardship. Mr. Taylor stated that the hardship is a combination of overlapping regulations and unique nature of the property.

Ms. Palmer stated that should this be approved as stated the residential space could not be converted back to commercial, so that square footage must be clarified.

The commission clarified the exact square footage of the plan. The applicant stated he will accept the 400 square foot size of an efficiency apartment. Mr. Taylor stated there is a demand for small efficient apartments that are affordable.

Mr. Lyman closed the public hearing.

Mr. Dussault moved to approve the application with the stipulation of 400 square feet of residential use, seconded by Mr. Walker. Mr. Mitsko stated that he believes this will reduce the use the property from its existing use. Mr. Kading stated he agreed. Mr. Dussault stated that they are bringing a portion of this building back into a conforming use. Mr. Walker is in favor of the 400 square feet. Mr. Lyman stated that this is in conformance with the Plan of Conservation and Development and beneficial to the neighborhood. The vote was taken, all in favor 5-0, motion approved.

Election of Officers:

Mr. Mitsko moved to appoint Bill Lyman as Chairman, James Kading as Vice Chairman and Virginia McCormack as Secretary, seconded by Mr. Walker, all in favor 5-0, motion approved.


Approval of 2019 Meeting Calendar:

Mr. Dussault moved to approve, seconded by Mr. Walker, all in favor 5-0, motion approved.

Minutes:

Mr. Mitsko moved to approve the minutes of the August 14, 2018 meeting, seconded by Mr. Lyman, all in favor 5-0, motion approved.

Mr. Dussault moved to adjourn, seconded by Mr. Kading, all in favor 5-0, the meeting was adjourned at 8:17 p.m.

  
Virginia McCormack, Secretary