

ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
December 13, 2016

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

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

Ms. McCormack moved to seat Bill Lyman as Acting Chairman, seconded by Mr. McDonough, all in favor 5-0, motion approved.

Acting Chairman Bill Lyman read the call to order at 7:00pm.

New Business:

The following application was accepted and scheduled for public hearing on January 10, 2017 **ZBA #16-12 Bruce H. & Catherine I. Littman, Trustees (Harry B. Heller, Agent)**– Seeking a variance from ZR 5.1.1 to reduce existing 91' total side yard setback to 73' (reduction of 18') and increase existing floor area ratio from 9% to 10% to allow construction of a 672 sq. ft. first floor addition. Property located on 28 Prentice Williams Rd., Stonington. Assessor's Map 148 Block 2 Lot 1; Zone GBR-130.

Public hearing:

ZBA #16-11 Anna C. Timken (Arthur Hayward, Agent) – Seeking a variance from ZR 5.1.1 (Floor Area Ratio only) for relief from RR-80 of 0.10 FAR to Zone RA-40 of 0.15 FAR for an addition. Property located on 24 Marjorie Street, Mystic. Assessor's Map 169 Block 3 Lot 3; Zone RR-80.

Ms. Palmer summarized the application. The applicant is requesting consideration of the RA-40 which allows for 15% Gross Floor Area. Ms. Palmer reviewed the history of the lot, subdivision and zoning.

Attorney Ted Ladwig, spoke on behalf of the applicant. The applicant is proposing to close and cover an existing deck on the rear of the house. The applicant claims a hardship of the Planning and Zoning Commission's August 9, 1979 decision that re-zoned this lot to RR-80. At the time of the subdivision the existing zones RA-1 had a FAR requirement of 15% which is what the applicant is requesting. The property was then zoned as RR-80 which has a 10% FAR requirement. The property conforms to all other bulk requirements and is only looking for a variance in FAR. Mr. Ladwig stated that the purpose of the RR-80 was that "general land conditions dictate lower capability for development." RR-80 zoning typically does not have town sewer or public water, in the case of this property, the property is served by public water. The applicant is requesting that their FAR be held consistent with the nearest zone RA-40 with which the lot more closely identifies.

Anna Timken, stated that she spoke with her neighbors and has not received any negative feedback and received an email in support from the only neighbor that can directly see the addition. The current deck is only slightly elevated from the ground and the applicant plans to enclose the deck to create a mudroom.

No Public Comment

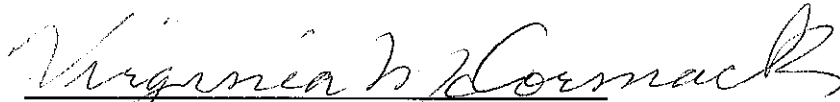
Mr. Lyman closed the public hearing.

Ms. McCormack moved to approve the application, seconded by Mr. Kading, Ms. McCormack stated that she believes the town created the hardship by zoning this property as RR-80 in 1979. The commission agreed. The vote was taken all in favor 5-0, motion approved.

Minutes:

Mr. McDonough moved to approve the October 11, 2016 minutes, seconded by Ms. McCormack, all in favor 5-0, motion approved.

Mr. Kading moved to adjourn, seconded by Mr. Mitsko, all in favor 5-0, the meeting adjourned at 7:35pm.


Virginia McCormack
Virginia McCormack, Secretary