

**ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**Final Minutes**

**December 11, 2018**

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

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

**New Business:**

**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).

**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.

The public hearings were scheduled for January 8, 2019.

**Public Hearing:**

**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.

Ms. Palmer summarized the application and gave a history of the lot and made several comments on its status. In 1969 the previous owner of 131 Riverside Dr., Claudia Adams purchased the abutting undeveloped lot with her brother Jasper Murphy. In 1993 Jasper passed away and Claudia Adams inherited her brothers share of the undeveloped lot. Unbeknownst to Claudia Adams, since acquiring the undeveloped portion of property, Stonington passed a merger law in 1976. So, although never merged by deed, the lots were merged as far as zoning was concerned. The home is also hindered by its location on the lot and its flood zone designation.

The applicant presented a current photo of the home (Exhibit #2). Mr. Constantine presented the application. The lot is comprised of several small lots that have been merged over the years and the odd shape has created many unconformities and this has created a hardship. The RC-

120 zone is very restrictive, and the applicant is requesting to be changed to the RR-80 which is still restrictive, but will allow them to make improvements to the home within the regulations for that zone. They would like to have a consistent rule for the property with the new zone, as opposed to multiple variances. The property owner will also bring the home to flood standards, they will lose most of the first floor, so they are planning to have an addition to make up for the loss. With approval of the variance the lot will become conforming. Had the smaller lots not been required to be merged, the applicant would qualify for 2.9 relief and RR-80 would apply. Ms. Palmer stated prior to the RC-120 overlay, the lot was RA-3 and fully compliant.

Public Comment in Favor:

Nathaniel Whipple, neighboring property owner spoke in favor of the application and their plans to improve the property.

No Public Comment Against.

General Comment:

Gabriel Aldrich, adjoining neighboring lot questioned whether a subdivision is possible in the future.

Ms. Palmer clarified that this is not a rezone, it is a variance to the setbacks to conform with RR-80. Also, the lot is not large enough for a subdivision.

Jane Buffum, resident nearby had a question about the height potential of the home.

Ms. Palmer clarified the first finished floor must be 1 foot above base flood elevation, they are currently at 11-foot base flood elevation. The height does not begin at the base flood elevation, it is measured from average finished grade. This variance would allow them to go from 25' to 30'.

Ms. Buffum also asked for clarification on the front yard setback. Mr. Lyman clarified that they are currently non-conforming at 59' and they would be allowed 50' with this variance.

Remo Loreti, neighbor across the street at 100 Riverside Drive, shared a concern that there is not a plan for the potential improvements. Mr. Loreti would like to see a plan before commenting.

Rebuttal:

Ms. Constantine stated they plan to live in the home after renovations. The applicant plans to work with the town to develop reasonable plans and that the proposed variance are reasonable requests for the property.

Mr. Lyman closed the public hearing.

Ms. Palmer reminded the commission they can approve less than what was requested if they so choose.

Ms. McCormack moved to deny the application, seconded by Mr. McDonough. Ms. McCormack is concerned with the lack of a plan to approve for the property for specific comments. Mr. McDonough stated his discomfort with the lack of a detailed plan as well. Mr. Mitsko stated that the lot merger was out of their control and that the request is reasonable for the lot and they will not be able to build something out of character for the neighborhood. Mr. Mitsko stated if the lot was zoned properly, plans would not have to be presented to anyone beyond the building department. Mr. Kading was in agreement with Mr. Mitsko. Mr. Lyman stated he had concern, but after seeing the application and hardship request, he stated that however they add to the property, it will be reasonable for the neighborhood and the home would be more compliant than most in their neighborhood due to the size of the lot. Mr. Lyman also stated the history of the lot and the regulations laid upon them restricted their use. Mr. McDonough withdrew his second. The motion failed.

Mr. Mitsko moved to approve the application, seconded by Mr. Kading, the vote was taken 4-1, the motion approved.

Roll Call: McDonough – favor, McCormack – oppose, Lyman – favor, Kading – favor, Mitsko – favor.

**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).

Ms. Palmer summarized the application. The applicant is proposing a side yard setback variance to place a generator on site. Due to generator placement guidelines, this is the only place on the lot for the generator. The property requires a sump pump, which requires power to prevent storm damage. Ms. Dodd stated that they will be living in the home full time, and require the generator for loss of power during storms.

Public Comment in Favor:

Marilyn Stillman, neighbor to the property, spoke in favor of the application.

Stephen Dodd, son of the owner, spoke in favor of the application and spoke about the placement of the generator.

No Public Comment Against.

No General Comment.

Mr. Lyman closed the public hearing.

Mr. Kading moved to approve the application, seconded by Mr. Mitsko, the commission discussed the need for health and safety. The vote was taken, all in favor 5-0, motion approved.

Minutes:

Mr. Kading moved to approve the minutes of the November 13, 2018 minutes, seconded by Mr. Mitsko, all in favor 5-0, motion approved.

Mr. McDonough moved to adjourn, seconded by Ms. McCormack, all in favor 5-0, the meeting adjourned at 8:12 p.m.

  
Virginia McCormack, Secretary