

**ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
March 12, 2019**

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

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

New Business:

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.

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.

The applications were scheduled for public hearing April 9, 2019.

Public Hearing:

ZBA #18-17 Jonathan Ball & Elizabeth Gartzke (Robert Mercer-Agent) – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 20% to 22.6% and reduce Front Yard setback from 30' to 18'3" to construct a 52 sq. ft. addition. Property located on 2 Hickory Ledge Rd., Mystic. Assessor's Map 177 Block 6 Lot 1; Zone RA-20 (RA-15 applies).

Bob Mercer, project architect, presented the application. The front entrance is not currently handicap accessible and the applicant is looking to modify the entrance to enlarge the foyer and add an overhang. The stairs and masonry prevent the addition from being located elsewhere. It is a pre-existing non-conformity that has three front yards. The applicant is asking for a modest 51.85SF increase which will increase the FAR from 22.2% to 22.6%. Ms. McCormack asked about the configuration. The stairs will be enlarged for better accessibility. Mr. Lyman stated that after driving by the property you can see a significant amount of ledge on the property which prevents many configurations.

No Public Comment.

Ms. Palmer read a letter of support from the Mason's Island Property Association into the record.

Mr. Lyman closed the public hearing.

Mr. Mitsko moved to approve the application, seconded by Mr. Kading. Ms. McCormack raised concern with the lack of hardship presented. Mr. McDonough agreed. Mr. Lyman stated that geography and location on the lot is part of the hardship, as well as the three front yards. Mr. Kading and Mr. Mitsko agreed. Due to the geography of the lot and zoning being placed on the lot, even a minor change must receive a variance, which is the hardship. The vote was taken 5-0, motion approved.

ZBA #19-01 Daniel & Jennifer Wilson (Frederick Price-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 30' to 15' to construct a shed. Property located on 2 Plover Lane, Mystic. Assessor's Map 176 Block 2 Lot 7; Zone RA-20.

Frederick Price, contractor, presented the application. The applicant is proposing a small 12'x14' shed on the property. They would like to place it outside of the 100-year flood zone, limiting where it can fit on the property. They plan to place it behind existing vegetation to block any view by the neighbors. They need the space for storage outside of the flood area to prevent flood damage. Their current garage/storage area is full of their mechanicals and storing additional items would be a safety concern. The proposed location is outside of the view of neighbors. Plover is not paved all the way to the water, but shows as a paper street creating another front yard rather than being a side yard, which wouldn't have required a variance.

Mr. Lyman read the letters of support and opposition into the record. Mr. Lyman stated he thought the opposition may be about their view, but there is already a row of arborvitaes that would be in front of the shed.

No Public Comment.

Mr. Lyman closed the public hearing.

Mr. Kading moved to approve the application, seconded by Mr. Mitsko. Mr. Kading stated that it will prevent items from being loose in the flood zone. Mr. McDonough stated that they recently did not approve an application for storage in a similar situation stating that storage is not a hardship. Ms. McCormack stated she recalls others in the past that were, and the flood zone issue and lack of space elsewhere. Mr. Lyman stated this is really about the side yard situation placing restrictions on them of a front yard which is a hardship to the applicant. The vote was taken 5-0, motion approved.

ZBA #19-02 Gregory Madden & Ronald Arbuckle (Kevin McCarthy, Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 40' to 31.5'

Gregory Madden, property owner presented the application. The owners purchased the property for their mother to move to the area and are trying to make sure it is fully compliant. Substantial repairs and upgrades were needed to bring it to full FEMA compliance. The home is on a curve in the road which has forced two front yards. The property is zoned RR-80 and extremely undersized for the zone. Had it been zoned RM-20, it would fully comply. They are planning to install two second floor dormers to allow for fire egress from the second floor to be up to code. They are also proposing a front porch on the side facing the river, which is against a front yard setback, but does not face the road directly. Even with relief under 2.9 with RA-40 applying they are very undersized at 26,136SF. The porch will assist with fire egress as well, because of the slope.

No Public Comment.

Mr. Lyman read the letter of support received into the record.

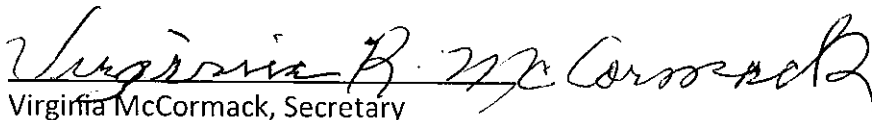
Mr. Lyman closed the public hearing.

Mr. McDonough moved to approve the application, seconded by Ms. McCormack. Ms. McCormack stressed the importance of the fire egress and how the porch plays into that. The board agreed. The vote was taken all in favor 5-0, motion approved.

Minutes:

Mr. McDonough moved to approve the minutes of the January 8, 2019 meeting, 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 7:59 p.m.


Virginia McCormack, Secretary