

ZONING BOARD OF APPEALS

REGULAR MEETING

Final Minutes

May 10, 2022

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

Present for the meeting were Jeff Walker (Acting Chairman), Nat Trumbull, Mark Mitsko, Diana Lurie Boersma and Anthony Caporale. Zoning Enforcement Officer Candace Palmer was also present. Absent James Kading, Raymond Dussault and James Stanton.

Seated for the meeting were Jeff Walker, Nat Trumbull, Mark Mitsko, Diana Lurie Boersma for Raymond Dussault, and Anthony Caporale for James Kading.

The meeting was called to order at 7:00 p.m. on May 10, 2022 at the Stonington Police Station.

New Business:

ZBA #22-07 Christopher Nardone – Seeking a variance from ZR 5.1.1 to increase Gross Floor Area from permitted 2904 sq. ft. to proposed 3018 sq. ft. and reduce Side Yard setback from 10' to 5' to construct a second floor on an existing garage. Property located on 531 Greenhaven Road, Pawcatuck. Assessor's Map 8 Block 1 Lot 27; Zone RA-20.

ZBA #22-08 Ann L. Baldelli (Theodore M. Ladwig-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 50' to 26.1' to construct a second-floor addition and entry porch. Property located on 72 Farmholme Road, Stonington. Assessor's Map 59 Block 1 Lot 6A; Zone RR-80.

The applications were accepted and scheduled for public hearing June 14, 2022.

Public Hearing:

ZBA#22-04 John M. Greeley (David Atkinson-Architect) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 50' to 42' and 47' to construct two additions. Property located on 246 Montauk Avenue, Stonington. Assessor's Map 133 Block 4 Lot 8; Zone RR-80.

David Atkinson, project architect, presented the application for a variance to enable construction of two small additions. The house was constructed in 1790, far pre-dating zoning. A significant portion of the home is within the front yard setback. The owner is requesting the construction of two small additions for the entry way and a laundry room. They currently access the home from a side entrance. They would also like to create a small addition to move the washer and dryer up to the main floor from the unfinished basement. The hardship they have stated is that the home pre-dates zoning and 65% of the home is in the front setback. The home is uniquely in the front yard setback compared to the rest of the homes on Montauk Avenue as shown in Exhibit 2. Mr. Greeley stated that the current front door is almost on the street and looking for a more accessible entrance to the home. Mr. Mitsko asked about the carriage house. It is a replacement for the current garage and is outside of the setbacks.

Public Comment:

None.

Mr. Walker closed the public hearing.

Ms. Boersma moved to approve application ZBA #22-04 for a variance from ZR 5.1.1 to reduce Front Yard setback from 50' to 42' and 47' to construct two additions.

1. Location of house was set prior to the adoption of zoning.
2. Additions are located to the side and rear of the structure.
3. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.

Seconded by Mr. Mitsko, all in favor 5-0. Motion approved.

ZBA#22-05 James O. Jaczinski & Anne M. MacPeck (Brian D. Florek, LS-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 75' to 59', Side Yard setback from 30' to 7', 70' to 42' to attach existing garage to house and construct second floor. Reduce Side Yard setback from 70' to 12' for construction of a new detached garage. Property located on 138 South Anguilla Road, Pawcatuck. Assessor's Map 37 Block 1 Lot 6; Zone GBR-130.

Brian Florek, agent, presented the application for a variance to attach an existing garage to their home and add a second floor. The property is long and narrow which creates a small building envelope. The property also has two zones, RR-80 and GBR-130 but they must follow the bulk requirements of the GBR-130 zone because it is the larger zone. The construction is taking place in the RR-80 zone portion. The existing garage is 7 feet to the property line, which they are not expanding, just going up a floor. The location is constrained by the shape of the lot and the septic system. James Jaczinski stated they are not decreasing the existing setbacks, but rather adding a second floor to the existing structure. Mr. Florek added this is not out of character to the neighborhood. Ms. Boersma asked about the proposed detached garage and whether it will have living space. Mr. Jaczinski stated it will not, just have lighting and heat. The house was built in 1930. Mr. Walker asked about the septic and leeching field. Mr. Caporale asked if the neighbors expressed any concern. The applicant stated they were notified but he has not heard a response. The garage location was selected for accessibility because no matter where it is located they would need a variance. Mr. Mitsko stated when they need to upgrade the septic, it would be better to have the garage to the side.

Public Comment:

None.

The commission discussed the application and neighbor notification. The notification was done properly and they have signed for the notice. Mr. Caporale raised concern that it could potentially become living space. Mr. Walker stated they could stipulate that it remain a garage.

Mr. Walker closed the public hearing.

Mr. Mitsko moved to approve application ZBA #22-05 for a variance from ZR 5.1.1 to reduce Front Yard setback from 75' to 59', Side Yard setback from 30' to 7', 70' to 42' to attach existing garage to house and construct second floor. Reduce Side Yard setback from 70' to 12' for construction of a new detached garage.

1. Long narrow configuration of the lot prohibits any development without a variance.
2. Location of house existed prior to the adoption of zoning.
3. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.

Stipulation:

1. The garage cannot be used for living space.

Seconded by Mr. Caporale, the vote was taken all in favor 5-0. Motion approved.

ZBA #22-06 Scott & Catherine Jakubek (Thomas C. Lyon-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 5' to construct landing and stairs. Property located on 65 Wolcott Avenue, Stonington. Assessor's Map 127 Block 12 Lot 7; Zone RM-20 (RH-10 applies).

Catherine Jakubek, property owner, presented the application. The home was built in 1955 and the current front entry is within the front setback. She is looking to repair the stairs and bring them up to code. They would like to add a landing to the staircase so they can enter the home easier. They are requesting a 15-foot variance to accomplish this. The hardship stated is that they are already in the setback and are trying to create a safe entry to their home. Mr. Lyon stated that the stairs are only going to move six feet closer to the road to add the landing. They have explored moving the entry to the home, but they are constricted by a garage or a bedroom on the other sides. Ms. Palmer stated the road is not a town road, it is an association road and they have been notified of the application. Mr. Mitsko asked about swinging the stairs to the side. Mr. Lyon stated there is an existing concrete path leading to the stairs and they would still need a side yard setback as well as other constrictions. Mr. Mitsko stated that new construction would not allow an entry without a landing as it is a safety issue. They have received two letters of support for the application.

Public Comment:
None.

Mr. Walker closed the public hearing.

Mr. Mitsko moved to approve application ZBA #22-06, for a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 5' to construct landing and stairs.

1. House was constructed prior to the adoption of building codes. Location was determined prior to the adoption of zoning.
2. Approval will increase the safety of the occupants and guests.
3. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.

Seconded by Ms. Boersma, all in favor 5-0. Motion approved.

Minutes:

Mr. Trumbull moved to approve the minutes of the April 12, 2022 meeting, seconded by Mr. Mitsko. All in favor 5-0. Motion approved.

Ms. Boersma moved to adjourn, seconded by Mr. Caporale, all in favor 5-0. The meeting adjourned at 7:47 p.m.



Nat Trumbull, Secretary