

MINUTES
ZONING BOARD OF APPEALS
MARCH 25, 2009 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Present: Stebbins, Manning, Kravits, Russotto, Alternate Mencer
Staff: Glemboski, Galetta
Excused: Grady

Chairman Stebbins seated Mencer for Grady

I. PUBLIC HEARINGS

ZBA#09-01 – 15 New London Road, Lisa Rawding/Owner; Dominic Zeppieri/Applicant; for a variance to Section 5.2 for 9-feet in lieu of 12-feet for a side yard setback for an addition to an existing single family residence. PIN#261918208151, RS-12 continued from March 11, 2009.

Chairman Stebbins reopened the public hearing at 7:00 p.m. Manning read the legal ad for the record and stated again that the mailings are in order. Dominic Zeppieri, 34 Hatch Street, Mystic representing the owner Lisa M. Rawding, explained that the proposed addition is basically an alteration of an existing addition which was built in 1982. A variance was granted at that time to allow the addition to be built. The footprint of the house will not be extended or changed. The current proposal is to add a second floor over the existing kitchen area. The project was presented to the Historic District Commission and a Certificate Of Appropriateness was granted by the Commission. Mr. Zeppieri reviewed the construction plans with the Commission and explained that the hardship is the narrowness of the existing yard on the west side of the property. The house is more in conformance with an RS-8 Zone.

Chairman Stebbins asked for comments in favor or against and there were none. The Planning Commission had no comment. Andrea Lawton, 17 New London Road, Mystic sent a letter stating she had no objection to the project. Staff stated that the property is across the street from the RS-8 Zone. The house was constructed in 1850 so it is a legal non-conforming structure on a legal non-conforming lot. The applicant reiterated that the hardship is the narrowness of the lot.

The public hearing ended at 7:16 p.m.

ZBA#09-02 – 767 River Road, Katherine Flanagan & Anish Shah, Owners/Applicant; for a variance to Section 5.2 for a 33-foot building height in lieu of 30-feet for an addition to an existing single family residence. PIN#261907590662, RU-80 continued from March 11, 2009.

Chairman Stebbins reopened the public hearing at 7:17 p.m. Manning read the legal ad for the record and stated again that the mailings are in order. Katherine Flanagan, 767 River Road, Mystic stated that she is looking to increase the height of her house above the zoning restriction of 30 feet. The house is located on a narrow lot with ledge and some areas of wetlands which make it impossible to extend the structure out. The existing house is too small for the family and they would like to build a 2-story addition. The first floor has an unusual ceiling height of 9 feet. Their architect has determined that by adding

a second and third floor the structure would exceed the 30 foot height restriction.

Mrs. Flanagan explained that the location of their septic system has created a hardship. It is located close to the house near the front door and there is no adequate place to relocate it on the property. Additionally, a channelized stream that runs near the house poses a second hardship for them. The Wetlands Commission indicated that they would have a very hard time approving any construction that would extend to the back of the house.

Mrs. Flanagan explained how her home is currently set up, reviewed the proposed floor plans with the Commission and explained the need for the addition. The Commission questioned the need for the expansion and requested clarification of the new ceiling heights. The architectural plans indicate a 7 ½ to 8 foot ceiling height. They also questioned whether or not the architect explored other solutions to the height issue such as changing the pitch of the roof. The topography of the land was discussed.

Since the original request on the application was for a variance height of 31.5 feet, the Commission asked why they ultimately applied for a height of 33 feet. Mrs. Flanagan explained that she was unsure of floor or ceiling thickness. The Commission asked whether or not she would object to a height of 31.5 feet as originally planned out by the architect. Mrs. Flanagan agreed that a variance height of 31.5 feet should meet their needs.

Chairman Stebbins asked for comments in favor or against and there were none. The Planning Commission had no comment. Secretary Manning read the Inland/Wetlands Agency minutes from the 12-10-08 meeting and the 1-14-09 meeting for the record. A letter from environmental consultant James Collins of Mystic made recommendations to minimize adverse affects of erosion on the property should an addition be located on the back of the structure.

A letter from the applicant to Planning Staff outlining the issues she encountered in constructing an addition with an extended footprint was read by Secretary Manning and entered into the record.

Staff stated that included in the hardship is a well in the rear and adjacent to the structure. The existing house is also right next to the wetlands where there is existing ledge and the slopes.

The public hearing ended at 8:05 p.m.

ZBA#09-03 – 707 River Road, Thomas & Dawn Harris/Owners; Michael Hancin/Applicant; for variances to Section 5.2 to allow a front yard setback of 30-feet in lieu of 50-feet and a side yard set back of 21-feet in lieu of 25-feet for an addition to an existing single family residence. PIN #261907581996, RU-80

Chairman Stebbins opened the public hearing at 8:06 p.m. Manning read the legal ad for the record and stated the mailings are in order. Mike Hancin of North Franklin is the contractor. The owners are Thomas Harris & Dawn Harris of North Canton. Mr. Harris stated that his parents built the existing two bedroom ranch house 40 years ago as a second home. The regulations at that time were different than current zoning regulations. He reviewed photographs of the property with the Commission. There is ledge in the back of house which

prohibits an addition to the rear. A second story addition will give them an additional 750 sq ft of living area and will maintain the same footprint. They would also like to add an open porch in the front. Mrs. Harris stated that she feels the proposed project would improve their ability to use the house without impacting the environment or neighborhood adversely.

Chairman Stebbins asked for comments in favor or against and there were none. The Planning Commission had no comment. Staff stated that the zone and set backs have changed since the house was originally constructed under an RU-20 Zone. The house was conforming when constructed.

The public hearing ended at 8:15 p.m.

II. MEETING FOLLOWING PUBLIC HEARINGS

1) Decision on Public Hearing Applications

#09-01 – 15 New London Road, (Rawding)

The Commission felt that this was an existing non-conforming lot and structure and that a variance should be granted.

MOTION: To grant #09-01 – 15 New London Road, (Rawding), variance as requested.

Motion made by Russotto, seconded by Kravits, (5 in favor, 0 opposed)
MOTION PASSED UNANIMOUSLY.

#09-02 – 767 River Road, (Flanagan/Shah)

The Commission felt this was a reasonable request due to the hardships encountered with septic system and the Wetlands Commission. However, the architect had presented hard numbers with regard to the height of the structure at 31.5 feet and there was no real reason to increase the height variance to 33 feet.

MOTION: To grant #09-02 – 767 River Road, (Flanagan/Shah), variance as amended, not to exceed a height of 31.5 feet

Motion made by Russotto, seconded by Kravits, (5 in favor, 0 opposed)
MOTION PASSED UNANIMOUSLY

#09-03 – 707 River Road, (Harris)

The Commission felt this to be a simple and straightforward request due to the fact that prior to the zone change the house was a conforming structure. Additionally, ledge behind the house prohibits a rear addition while the proposed addition will not extend the footprint.

MOTION: To grant #09-03 – 707 River Road, (Harris) variances as requested.

Motion made by Russotto, seconded by Kravits, (5 in favor, 0 opposed)
MOTION PASSED UNANIMOUSLY

2) Correspondence

Chairman Stebbins presented a 12-year Length of Service Award from the Connecticut Federation of Planning & Zoning Agencies to Scott Russotto for his years of service to the Town.

A memorandum regarding ethics, from the Director of Planning & Development Services, was distributed to Commission members.

3) Minutes

MOTION: To approve the minutes of March 11, 2009 as written.

Motion made by Kravits, seconded by Stebbins, (5 in favor, 0 opposed)
MOTION PASSED UNANIMOUSLY

4) Old Business – None

5) New Business

1. Election of Officers

MOTION: To appoint Tom Manning as secretary.

Motion made by Russotto, seconded by Mencer, so voted unanimously.

MOTION: To appoint Floyd Kravits as Vice Chairman.

Motion made by Russotto, seconded by Mencer, so voted unanimously.

MOTION: To appoint Edward Stebbins as Chairman

Motion made by Russotto, seconded by Mencer, so voted unanimously.

2. New Applications

Staff stated that there are no new variance applications. An appeal of a Cease and Desist Order has been received from Liberty Tax Service.

6) Report of Staff – None

7) Adjournment

Motion to adjourn at 8:38 p.m. made by Mencer, seconded by Kravits, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Lynda Galetta,
Office Assistant II