

ZONING BOARD OF APPEALS
MINUTES
NOVEMBER 12, 2014
TOWN HALL ANNEX - COMMUNITY ROOM 1

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Chairman Stebbins called the meeting to order at 7:00 p.m.

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I. ROLL CALL

Present: Grady, Mencer, Stebbins, Manning, Russotto
Absent: Kravits
Staff: Cullen, Gilot

[Handwritten Signature]
TOWN CLERK, TOWN OF GORHAM

II. PUBLIC HEARINGS

The Chairman reviewed the public hearing procedures.

1. ZBA#14-10 - 156 Ocean View Avenue, Mystic, Pippo Family Trust/Owner, Thomas Townsend/Applicant, Frank Eppinger/Attorney, for a variance to Section 5.2 to allow 5' in lieu of 30' for a front yard setback for an addition to an existing structure, and for a variance to Section 8.6-2B to allow the re-arrangement/movement of the existing non-conforming use. PIN#261805181716, RS-12 zone.

Staff said the application was withdrawn.

2. ZBA#14-11 - 2 Appletree Lane, West Mystic, Lori Smith/Owner, for a variance to Section 5.2 to allow 11.58' in lieu of 30' for a front yard setback, for a variance to Section 5.2 to allow 7.10' in lieu of 12' for a side yard setback, for a variance to Section 5.2 to allow 29.6% in lieu of 20% building coverage for a residential addition. PIN#261809262729, RS-12 zone (CAM).

Secretary Manning read the call of the hearing. It was noted that all mailings had been received and found to be in order.

Peter DeMallie Design Professionals, 21 Jeffrey Drive, South Windsor, CT, represented the owner, Lori Smith. Mr. DeMallie explained the location of the property and the variances requested. Ms. Smith's residence suffered flood damage during Superstorm Sandy in 2012. The proposal is to raise the house out of the flood plain, as required by DEEP so that Ms. Smith can participate in special grant funding for flood victims of the storm. Mr. DeMallie explained that there will be a slight reduction in the variance requested for the front yard setback on the west side of building along Maple Avenue. The variance was initially requested to allow a stairway which provides access to the house to be located away from the house to allow room for access to the utility meters. Mr. DeMallie said he had recently been advised that the meters can be placed under the building, so the stairs can be closer to the house, reducing the variance request to 9' from the property line. At Mr. DeMallie's request, Secretary Manning struck "7.1 feet" and replaced with "9 feet". The staircase proposed is 4 ft. wide. The structure will remain in the same place, but the variance requests are to allow the stairway. The existing deck toward Appletree is slightly less in depth. Floor elevations for each level were reviewed. A reduced deck will be on the

west side of building, and the stairs and deck increase the coverage from 27.7% to 29.6% increase. That will be slightly less since a landing for the stairs was eliminated. The CAM report was reviewed. The house will be raised 9 feet in height as required by DEEP from damage caused by Superstorm Sandy in 2012. The property will remain a single family residence. Coastal resources were reviewed. There would be no material change to coastal systems.

Lori Smith, 2 Appletree Lane, West Mystic, stated that she is requesting the variances so that she can participate in the Superstorm Sandy storm grant funding.

The deck and stairs will be new because the structure will be raised. The new deck is less of an encroachment from Appletree, and more on the west side as required with new stairs. The Board discussed the necessity for two sets of stairs. They also stated that the width of stairs by building code could be 36" rather than 48".

The house was built in 1964, and does not conform to current zoning regulations. It is a corner lot with two front yards. The amount of the variance requested is being reduced.

The hardship is attributable to the dimensional factors of the undersized narrow corner lot, and meeting the government requirement (to restore the home) to raise the building out of the floodplain.

Submittals regarding the grant were submitted and are included in the application file. A copy of the site plan was shown to the Board.

The deck size and location was reviewed.

The Chairman asked if anyone from the public wished to speak in favor of the application.

Kevin Levreault, 4 Appletree Lane, spoke in favor of the application, but had questions on the location of the stairs, and wanted to be sure there was no negative impact on his property.

The Chairman asked if anyone wanted to speak in opposition and there was none.

Secretary Manning read the following letters in favor of the project into the record:

- [redacted], 1 Appletree Lane dated 10/9/14
- Susan Phillips, 3 Appletree Lane 10/8/14
- Chaz Zzulka, 18 Maxson Street, dated 10/4/14
- Wilson, 2 Appletree Lane received 10/21/14
- Cloudia Clough, 10 Maple Avenue, dated 10/10/14
- Scott Bussey, 17-19 Maxson Street, 6-8 Maple Avenue, dated 10/14/14

The Planning Commission had no comment on the referral.

The second stairway and accessways to the house were discussed.

Staff said the coverage is presently 27.7; requested 29; will be actually less than requested.

The public hearing was closed.

3. ZBA#14-12 – 408 Flanders Road, Mystic, John Martin, Jr./Owner, for a variance to Section 5.2 to allow 14.5' in lieu of 20' for a side yard setback, for a variance to Section 5.2 to allow 15' in lieu of 20' for a side yard setback for a residential addition. PIN#260914433419, RS-20 zone.

Secretary Manning said the mailings were in order.

John Martin Jr. 408 Flanders Road, explained his proposal for a 616 ft. *addition* to the rear of his house. The existing building predates the zoning regulations. The proposed addition would not encroach any more than existing on either side. The addition would follow the same building lines as the existing building.

The Chairman asked if anyone from the public wished to speak in favor of the application. There were none.

The Chairman asked if anyone from the public wished to speak in opposition.

Denise Katusha, 416 Flanders Road, said she had concerns regarding any effects the proposed addition or a new driveway would have on the quality of her drinking water. She discussed the possible encroachment of construction trucks and building equipment onto her property. Mr. Martin said he could put up temporary fencing up during the construction.

The Planning Commission had no comment on the referral.

Staff said the coverage on the lot is 3% with the addition. Staff read the deed description for Mr. Martin's property. The location of walls, etc. appeared accurate.

Mr. Martin said the hardship is the lot width, and that the existing house predates zoning.

The public hearing closed at 8:17 p.m.

III. MEETING FOLLOWING PUBLIC HEARINGS

Decision on Public Hearing Applications

1. ZBA#14-10 – 156 Ocean View Avenue, Mystic, Pippo Family Trust/Owner, Thomas Townsend/Applicant, Frank Eppinger/Attorney

The application was withdrawn.

2. ZBA#14-11 – 2 Appletree Lane, West Mystic, Lori Smith/Owner

The Commission had some concerns with the two stairways. While the Board members concurred that while they do not look favorably on increasing nonconformities, the requirements of the DEEP with regard to flood damage overrode the concern. They hoped the minimal amount of encroachment would be used.

The hardship of two front yards and DEEP requirements were valid to the Agency.

MOTION: To grant the variances as modified.

Motion made by Russotto, seconded by Manning. Motion passed unanimously.

MOTION: To approve the CAM application as modified.

Motion made by Mencer, seconded by Grady. Motion passed unanimously.

3. ZBA#14-12 – 408 Flanders Road, Mystic, John Martin, Jr./Owner

Due to the hardship of the pre-existing non-conformity, the Agency had no concerns. The proposed addition does not further encroach on the side yard setbacks.

MOTION: To grant the variance as requested.

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

IV. CORRESPONDENCE – None

V. APPROVAL OF THE MINUTES OF MINUTES OF OCTOBER 22, 2014

MOTION: To approve the minutes of October 22, 2014 as amended.

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

VI. OLD BUSINESS – None

VII. NEW BUSINESS

a) New Applications

VIII. REPORT OF STAFF

Staff said there were no new applications, and therefore the December meeting could be cancelled.

IX. ADJOURNMENT

Motion to adjourn made at 8:49 p.m. by Grady, seconded by Manning; passed unanimously.



Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Debra Gilot
Office Assistant III