

MINUTES
ZONING BOARD OF APPEALS
DECEMBER 10, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Present: Stebbins, Grady, Manning, Russotto, Kravits
Staff: Cullen, Moulding
Excused: Alternate Mencer

I. PUBLIC HEARINGS

ZBA#08-12 – 873 Buddington Road, Cynthia Ellzey/Owner; for a variance to Section 5.2 for 10' in lieu of 30' for a front yard setback for a carport. PIN#169910363061, RU-20

Chairman Stebbins opened the public hearing at 7:00 p.m. Manning read the legal ad for the record and stated the mailings are in order. Ms. Cynthia Ellzey, 873 Buddington Road stated that she would like to build a carport which would be more convenient than her garage for her to drive her car into and out of. She also would like the carport to keep snow off of her ragtop car. Her drainage pipes and septic system prevent her from placing the carport in any other location along the driveway. The neighbor cannot see the structure from his home. The carport is roughly 35' from the road because of the large right of way.

The Chairman asked for comments in favor or opposed. Michael Buonano, 937 Buddington Road read a letter opposed to the application and voiced concerns regarding the actual distance of the structure to his property line.

Mr. Manning read a memo from the Planning Commission stating that they had no comment on this referral.

Ms. Ellzey stated that the rock wall has not been moved and the drainage ditch was there when she bought the property.

The public hearing ended at 7:50 p.m.

ZBA#08-13 – 0 Library Street, Scott & Cheryl Beaulieu/Owners, Peter Springsteel/Applicant; for a variance to Section 5.2 for 16' in lieu of 30' for a front yard setback and 16' in lieu of 30' for a rear yard setback for a new single family residence. PIN#261917100552, RS-12

Chairman Stebbins opened the public hearing at 7:00 p.m. Manning read the legal ad for the record and stated the mailings are in order. Peter Springsteel, Architect 105 Starr Street, Mystic stated that this proposal is to construct a single family dwelling on a flag lot. This request is to reduce the front and rear setbacks to 16' in lieu of 30'. The property is in the Historic District and the applicant has received approval from the Historic District Commission for this proposed design. The original proposal brought to the HDC did meet the zoning requirements for the property; however, the HDC did not like the structure being long and linear. The hardship is the imposition of the HDC's requirements on this particular lot as well as the lot being unique because it is the only flag lot in the neighborhood. Mr. Springsteel submitted

letters in favor of the proposal from Judy Hicks, 225 Library Street, and Lilliam & Salvador Pancorbo, 221 Library Street. Mr. Springsteel stated that this would not be the only nonconformity in the neighborhood.

Cheryl Beaulieu feels they have attempted to comply with the rules several times and the HDC would not allow them to.

Scott Beaulieu stated they have tried to evenly distance the home from both neighbors.

The Chairman asked for comments in favor or opposed.

Beverly Napper, 46 New London Road has lived in her home for over 60 years. The garage on her property near the property line was built prior to zoning. She has no objections to the size of the proposed home but she is against the garage being 16' from her property line.

Dennis Jackson, 48 New London Road raised concerns with the possibility of the location of the home being changed. Staff stated that the location of the building could be attached to the decision as a condition.

Mr. Springsteel stated that the applicant would be fine with attaching a condition of the variance being "as presented". The applicant would also be agreeable to creating a buffer between the garage and Beverly Napper's property.

Mr. Manning read a memo from the Planning Commission which had no comment.

The public hearing ended at 8:33 p.m.

II. MEETING FOLLOWING PUBLIC HEARINGS

1) Decision on Public Hearing Applications

#08-12 - 873 Buddington Road, (Ellzey)

The Board did not find a hardship had been presented and the proposed structure does not conform to the neighborhood.

MOTION: To grant #08-12 - 873 Buddington Road, (Ellzey), variance to Section 5.2 for 10' in lieu of 30' for a front yard setback for a carport.

Motion made by Russotto, seconded by Kravits, 0 in favor, 5 opposed.
MOTION DENIED.

#08-13 - 0 Library Street, (Scott & Cheryl Beaulieu)

The Board felt the applicant showed a hardship with the multiple attempts before the Historic District Commission and the unique shape of the lot to the neighborhood.

MOTION: To grant #08-13 – 0 Library Street, (Scott & Cheryl Beaulieu), variance to Section 5.2 for 16’ in lieu of 30’ for a front yard setback and 16’ in lieu of 30’ for a rear yard setback for a new single family residence as requested and as presented in Exhibit #2.

Motion made by Grady, seconded by Russotto, 5 in favor, 0 opposed.
MOTION APPROVED.

2) Correspondence - None

3) Minutes

MOTION: To approve the minutes of October 22, 2008 as written.

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

4) Old Business - None

5) New Business

1. New Applications

Staff has not received any applications yet for the month of January.

6) Report of Staff - None

7) Adjournment

Motion to adjourn at 9:03 p.m. made by Russotto, seconded by Grady, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Moulding,
Office Assistant II