

MINUTES
ZONING BOARD OF APPEALS
MARCH 13, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Kravits, Mencer, Russotto, Stebbins
Excused: Grady, Manning
Staff: Davis, Gilot

Chairman Stebbins called the meeting to order at 7:15 p.m. and appointed Russotto as Acting Secretary. The Chairman reviewed the public hearing procedures. He explained that there are only four members present; therefore, the vote would need to be unanimous; the applicant had the opportunity to postpone the hearing until there were five members present. The applicant chose to proceed with the hearing.

II. PUBLIC HEARING

ZBA#13-01 – 340 Noank Road, Mystic, Richard Canzellarini/Owner, Peter Springsteel/Applicant, for a modification to Variance ZBA#07-15 to reduce the 15 foot front yard setback approved under ZBA variance #07-15 to 9.5 feet in order to permit the construction of a portion of a proposed single story roofed front porch, and for an additional variance to section 5.2 to reduce a portion of the required side yard setback along the easterly property line to 4 feet from the required 12 feet, in order to allow construction of a two-story, 8 foot by 18 foot deck (with unroofed second floor). PIN 261805273843, RS-12 zone. (CAM)

Acting Secretary Russotto read the legal notice and stated that the mailings were in order.

Peter Springsteel, Architect, 105 Starr Street, represented the applicant. Mr. Springsteel noted that the application was for two variances, but the variance request to reduce the side yard setback to 4 feet was withdrawn by the applicant. The only variance being requested was the front yard setback to 9.5 feet. Mr. Springsteel reviewed the site plan (exhibit 1). The location and history of the lot as part of a previous subdivision was detailed. A variance was granted at that time for the front yard setback of 15 feet in lieu of the required 30 ft. Mr. Springsteel said there is a drainage channel in the wetland area; 50 ft. buffer takes up about two thirds of the lot. Property line is set way back from the road paved area (along Route 215), 40 or 50 feet, so the house naturally sets back from the roadway because of the property line. The angular front yard was created by the subdivision. The variance is necessary for a small portion of a proposed covered porch. Mr. Springsteel showed elevations of the proposed porch (exhibits 2 and 3). This property is not in the historic district, but is closely located to the district. The applicant thought it more appropriate to create an historic look to the house, and the porch would create that look. A hardship was created by this being a corner lot with two front yards, the unusual trapezoidal shape of the parcel, and the lot being two-thirds inland wetlands (including the required 50 ft. buffer) which limited the buildable area of the lot. The distance from the porch to the pavement is 31 feet. The location and purpose of the porch was discussed.

Mr. Springsteel addressed the CAM, stating there would be no impact.

The Chairman asked for comments from the public and there were none.

The Planning Commission referral of no comment was read into the record.

Staff said the CAM review only applies to the scope of the project requiring the variance, not to the entire project.

The public hearing was closed at 7:37 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. Decision on Public Hearing Application

ZBA#13-01 – 340 Noank Road, Mystic, Richard Canzellarini/Owner, Peter Springsteel, Applicant

MOTION: to grant the modification to Variance ZBA#07-15 to reduce the 15 foot front yard setback approved under ZBA variance #07-15 to 9.5 feet as requested.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

MOTION: To accept the CAM findings.

1. The Board finds that the variance will not create adverse impacts on coastal resources or future water dependent development opportunities.
2. In making its decision, the Board has considered any applicable provisions of CGS 8-2(b).

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

2. Correspondence – None
3. Minutes – Meeting of February 27, 2013

MOTION: To approve the minutes of February 27, 2013 as presented.

Motion made by Kravits, seconded by Mencer. MOTION PASSED UNANIMOUSLY.

4. Old Business

Discussion regarding Section 8.5-8 B.1

Staff reviewed the Town Attorney's discussion at the last meeting with regard to Section 8.5, and his suggestion that this particular item that should be eliminated from the regulation. Staff would like to proceed with a zoning regulation amendment, with the endorsement of the Zoning Board of Appeals, after a final review by the Town Attorney. The Board agreed and will review the application before it is submitted to the Zoning Commission.

5. New Business

a) New Applications

A new variance application was received today from Attorney Dixon for the Ljubicic property, River Road. Staff anticipates that the public hearing be scheduled for the May 8th meeting to accommodate scheduling issues, per the request of the applicant.

6. Report of Staff - None

IV. ADJOURNMENT

Motion to adjourn at 7:50 p.m. was made by Russotto, seconded by Kravits, so voted unanimously.

Scott Russotto, Acting Secretary
Zoning Board of Appeals

Prepared by Debra Gilot, Office Assistant III